

**REGIONAL DISTRICT OF NANAIMO**

**COMMITTEE OF THE WHOLE  
TUESDAY, OCTOBER 12, 2004  
7:00 PM**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

- 4                    **Tim Clermont**, re Capital Charge Exclusion – Nature Trust of British Columbia  
- 1520 Terran Road - Area E.

**MINUTES**

- 5-10                Minutes of the Committee of the Whole meeting held Tuesday, September 14,  
2004.

**COMMUNICATIONS/CORRESPONDENCE**

- 11                   **Hira Chopra**, Chairperson, Alberni-Clayoquot Regional District re Property  
Tax Exemption.

**BUSINESS ARISING FROM THE MINUTES**

***COMMUNITY SERVICES***

**RECREATION & PARKS**

- 12-18               Home Lake Regional Park Operations Update.

***CORPORATE SERVICES***

- 19-21               Property Tax Exemption -- Alberni Clayoquot Regional District.

***DEVELOPMENT SERVICES***

- 22-32               Liquor Licensing Policy.

- 33-40               Board of Variance Policy.

**BYLAW ENFORCEMENT**

- 41-42               Section 57 of the Community Charter -- Contravention of Bylaw -- Infractions.

**EMERGENCY SERVICES**

- 43-59               Inclusion of the District of Lantzville - Emergency Management Agreement.

## **ENVIRONMENTAL SERVICES**

### **UTILITIES**

- 60-62 Capital Charge Exclusion Nature Trust of British Columbia - 1520 Terrien Road - Area E.
- 63-68 French Creek Sewer Local Service Area Bylaw No. 813.30 & Northern Community Sewer Local Services Area Bylaw No. 889.29 - 1371 Lundine Lane - Area G.

### **COMMISSION, ADVISORY & SELECT COMMITTEE**

#### **District 69 Recreation Commission.**

- 69-70 Minutes of the District 69 Recreation Commission meeting held Thursday, September 16, 2004. (for information)

#### **Intergovernmental Advisory Committee.**

- 71-74 Minutes of the Intergovernmental Advisory Committee meeting held September 9, 2004. (for information)

#### **Regional Growth Monitoring Advisory Committee/State of Sustainability Project.**

- 75-77 Minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held September 8, 2004. (for information)

#### **Grants-in-Aid Committee.**

- 78-80 Minutes of the Grants-in-Aid Committee meeting held October 5, 2004. (for information)

#### *School District 68:*

<i>ALS Society of BC</i>	\$	587
<i>Cedar Community Association</i>		1,215
<i>Cedar Family Playtime Society</i>		800
<i>Cedar School &amp; Community Enhancement Society</i>		1,020
<i>The Hope Centre</i>		378
<i>Nanaimo Search &amp; Rescue</i>		1,528

#### *School District 69:*

<i>Arrowsmith Watersheds Coalition Society</i>	\$	1,500
<i>Central Island Critical Incident Stress Association</i>		200
<i>District 69 Family Resource Association</i>		813
<i>Forward House Community Society</i>		600
<i>Lighthouse Country Marine Rescue Society</i>		1,725
<i>Mount Arrowsmith Elder Abuse Prevention Comm.</i>		300
<i>Oceanside Community Arts Council</i>		1,000
<i>Oceanside Emergency Social Services</i>		800
<i>Parksville &amp; District Historical Society</i>		1,550

*Verbal Reports As Available:*

Municipal Finance Authority  
Deep Bay Harbour Authority  
Regional Library Board  
Treaty Advisory Committee  
North Island 911 Corporation  
Municipal Insurance Association  
Mt. Arrowsmith Biosphere Foundation  
Vancouver Island Generation Project Committee  
Vancouver Island Health Authority -- Project Building Committee  
Vancouver Island Health Authority -- Joint Capital Planning Committee  
Vancouver Island Regional Transportation Advisory Committee

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**BOARD INFORMATION** (Separate enclosure on blue paper)

**ADJOURNMENT**

**IN CAMERA**

## Burgoyne, Linda

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**From:** Clermont, Tim WLAP:EX  
**Sent:** Sunday, August 08, 2004 12:48 AM  
**To:** Burgoyne, Linda  
**Subject:** RE: Pacific Shores Local Sewer Service Area - Lot 8, DL 22, Nanoose, Plan 10012

Hello Linda, John Finney has asked me to defer my presentation to the October committee of the whole meeting as Pauline Bibby is away until then and he feels the Board will defer in her absense. So please take me off the list of presenters for August 10th.

Thank you.

Tim

-----Original Message-----

**From:** Burgoyne, Linda  
**To:** Clermont, Tim WLAP:EX  
**Cc:**  
**Sent:** 7/23/04 9:07 AM  
**Subject:** RE: Pacific Shores Local Sewer Service Area - Lot 8, DL 22, Nanoose, Plan 10012

The Board Meeting will be held Tuesday, August 10th at 7:00 PM in the Board Chambers at the Regional District offices, 6300 Hammond Bay Road.

Delegations are at the beginning of the meeting. You will have 10-minutes to make your presentation.

Please advise me if you are unable to attend this meeting.

Thank you.

Linda

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Linda Burgoyne

Regional District of Nanaimo

6300 Hammond Bay Road

Nanaimo, BC V9T 6N2

Phone: 250-390-4111 / Toll free 1-877-607-4111

Fax: 250-390-0653

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE COMMITTEE OF THE WHOLE  
MEETING HELD ON TUESDAY, SEPTEMBER 14, 2004, AT 7:04 PM  
IN THE RDN BOARD CHAMBERS**

**Present:**

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haine	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director R. Longmuir	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director L. Sherry	City of Nanaimo
Alternate	
Director D. Tyndall	City of Nanaimo
Director T. Krall	City of Nanaimo
Director B. Holdorn	City of Nanaimo
Director L. McNabb	City of Nanaimo

**Also in Attendance:**

K. Daniels	Chief Administrative Officer
C. Mason	General Manager of Corporate Services
B. Lapham	General Manager of Development Services
N. Connelly	General Manager of Community Services
J. Finnie	General Manager of Environmental Services
N. Tonn	Recording Secretary

**DELEGATIONS**

**Ron Tanasichuk, Nanaimo Area Land Trust, re Status Report and Request Regarding Operational Funding.**

Mr. Tanasichuk presented an overview of the services that the Nanaimo Area Land Trust provide to the City of Nanaimo and the Regional District of Nanaimo and requested a donation from the RDN to allow NALT to continue operating with the current staff level for the remainder of 2004. They acknowledged that the City of Nanaimo had provided an additional grant of \$5,000.

**MINUTES**

MOVED Director Sherry, SECONDED Director Bartram, that the minutes of the regular Committee of the Whole meeting held July 27, 2004 be adopted.

CARRIED

## COMMUNICATIONS/CORRESPONDENCE

**Bill Barisoff, Minister, Ministry of Water, Land and Air Protection, re Fish Protection Act.**

MOVED Director Krall, SECONDED Director Bibby, that the correspondence from the Minister of Water, Land and Air Protection with respect to the Fish Protection Act be received.

CARRIED

## COMMUNITY SERVICES

### Green Buildings.

MOVED Director Holdom, SECONDED Director Bartram,:

1. That the August 31, 2004 report, "Green Buildings", be received.
2. That terms of reference for a project to promote green building in the region be developed for the Board's consideration.

CARRIED

## RECREATION & PARKS

**Draft Bylaw No. 1399 to Provide for the Regulation of Park Use in the RDN.**

MOVED Director McNabb, SECONDED Director Biggemann, that the draft 'Bylaw to Provide for the Regulation of Parks in the Regional District of Nanaimo' be received and that staff be authorized to disseminate the bylaw for public comment.

CARRIED

Staff were directed to advertise that copies of the draft bylaw may also be obtained from the Regional District offices.

## CORPORATE SERVICES

### FIRE PROTECTION

**Financing Bylaws – San Pareil Water Service Security Issuing Bylaw No. 1395 & Coombs-Hilliers Fire Service Security Issuing Bylaw No. 1396.**

MOVED Director Westbrook, SECONDED Director Bartram,:

1. That "Regional District of Nanaimo (San Pareil Water Service) Security Issuing Bylaw No. 1395, 2004" be introduced for first three readings.
2. That "Regional District of Nanaimo (San Pareil Water Service) Security Issuing Bylaw No. 1395, 2004" having received three readings, be adopted and forwarded to the Ministry of Community, Aboriginal and Women's Services for a Certificate of Approval.
3. That "Regional District of Nanaimo (Coombs-Hilliers Fire Service) Security Issuing Bylaw No. 1396, 2004" be introduced for first three readings.
4. That "Regional District of Nanaimo (Coombs-Hilliers Fire Service) Security Issuing Bylaw No. 1396, 2004" having received three readings be adopted, and forwarded to the Ministry of Community, Aboriginal and Women's Services for a Certificate of Approval.

CARRIED

**DEVELOPMENT SERVICES**

**BYLAW ENFORCEMENT**

**Section 57 of the Community Charter – Contravention of Bylaw – Peter and Kathleen Kludumac – 2993 Dolphin Drive – Area F.**

MOVED Director Westbrook, SECONDED Director Krall, that this item be deferred.

CARRIED

**ENVIRONMENTAL SERVICES**

**LIQUID WASTE**

**Lasqueti Island Septage.**

MOVED Director Westbrook, SECONDED Director Bibby,:

1. That "Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.06, 2004" be introduced for three readings.
2. That "Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.06, 2004" having received three readings be adopted.

CARRIED

**SOLID WASTE**

**Non-Profit Organizations – Solid Waste Tipping Fee Waivers.**

MOVED Director Sherry, SECONDED Director Holdom, that the Board receive the status report on non-profit organizations tipping fee waiver policies for information.

CARRIED

**Status of the Provincial Product Stewardship Business Plan.**

MOVED Director Sherry, SECONDED Director Tyndall,:

1. That the report on the status of the Provincial Product Stewardship Business Plan be received for information.
2. That the RDN Board send a letter to the BC Premier, copied to the Minister of Water, Land and Air Protection and UBCM encouraging the Province to accept industry product stewardship plan proposals that are consistent with the guiding principles of the product stewardship business plan and amend the stewardship regulation to include electronics.

CARRIED

**UTILITIES**

**Melrose Terrace Community Water Supply Service Area Establishment Bylaw No. 1397 & Melrose Terrace Community Water Supply Service Area Loan Authorization Bylaw No. 1398 – Area F.**

MOVED Director Biggemann, SECONDED Director McNabb,:

1. That "Melrose Terrace Community Water Supply Service Area Establishment Bylaw No. 1397, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

2. That "Melrose Terrace Community Water Supply Service Area Loan Authorization Bylaw No. 1398, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

**French Creek Sewer Local Service Area Bylaw No. 813.29 & Northern Community Sewer Local Service Area Bylaw No. 889.27 – 978 Lee Road – Area G.**

MOVED Director Krall, SECONDED Director Bibby,:

1. That "French Creek Sewer Local Service Area Bylaw No. 813.29, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
2. That "Northern Community Sewer Local Service Area Bylaw No. 889.27, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

**Morningstar Streetlighting Local Service Area Boundary Amendment Bylaw No. 869.06 – Wembley Road – Area G.**

MOVED Director Westbrook, SECONDED Director C. Haime, that "Morningstar Streetlighting Local Service Area Boundary Amendment Bylaw No. 869.06, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

**Surfside Sewer Local Service Area Bylaw No. 1124.03 & Northern Community Sewer Local Service Area Bylaw No. 889.28 – 965 Surfside Drive – Area G.**

MOVED Director Westbrook, SECONDED Director Holdom,:

1. That "Regional District of Nanaimo Surfside Sewer Local Service Area Bylaw No. 1124.03, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
2. That "Regional District of Nanaimo Northern Community Sewer Local Service Area Bylaw No. 889.28, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

**COMMISSION, ADVISORY & SELECT COMMITTEE**

**Area B Parks & Open Space Advisory Committee.**

MOVED Director Lund, SECONDED Director D. Haime, that the minutes of the Area B Parks & Open Space Advisory Committee meeting held June 29, 2004 be received for information.

CARRIED

**Nanoose Bay Parks & Open Space Advisory Committee.**

MOVED Director Bibby, SECONDED Director Krall, that the minutes of the Nanoose Bay Parks & Open Space Advisory Committee meetings held March 22 and July 12, 2004 be received for information.

CARRIED



**Regional Growth Monitoring Advisory Committee/Status of Sustainability Project.**

MOVED Director Holdom, SECONDED Director Bartram, that the minutes of the Regional Growth Monitoring Advisory Committee/Status of Sustainability Project meetings held July 21, August 18 and September 1, 2004 be received for information.

CARRIED

**Regional Parks Plan Review Select Committee.**

MOVED Director McNabb, SECONDED Director Biggemann, that the minutes of the Regional Parks Plan Review Select Committee meeting held July 5, 2004 be received for information.

CARRIED

**ADDENDUM**

***CORPORATE SERVICES***

**FIRE PROTECTION**

**Open Burning as a Land Clearing Technique.**

MOVED Director Longmuir, SECONDED Director Bibby,:

1. That the Board request the MWLAP to act on the 1996 request to change portions of the RDN to Category A under the OBSCR.
2. That the Board direct staff to further consider the issue of banning burning in the rural urban interface in the 2005 workplan.

CARRIED

**PRESENTATION**

**City of Nanaimo Directors, re Nanaimo Centre Project.**

Director Krall presented a visual and verbal overview of the proposed Nanaimo Centre Project which will go to referendum on November 20, 2004.

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**Nanaimo Area Land Trust.**

MOVED Director Kreiberg, SECONDED Director Lund, that staff prepare a report for the next Board meeting examining the feasibility of a contribution from the RDN of \$5,000 to the Nanaimo Area Land Trust.

CARRIED

**IN CAMERA**

MOVED Director Sherry, SECONDED Director Westbrook, that pursuant to Section 90(1)(g) of the *Community Charter* the Board proceed to an In Camera meeting to consider items relating to legal matters.

CARRIED

**ADJOURNMENT**

MOVED Director Sherry, SECONDED Director Westbrook, that this meeting adjourn to allow for an In Camera meeting.

CARRIED

TIME: 8:25 PM

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CHAIRPERSON



**ALBERNI-CLAYOQUOT  
REGIONAL DISTRICT**

3008 Fifth Avenue, Port Alberni, B.C. CANADA V9Y 2E3

Telephone (250) 720-2700 FAX: (250) 723-1327

October 1, 2004

Board of Directors  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, B.C.  
V9T 6 N2

REGIONAL DISTRICT OF NANAIMO			
OCT - 4 2004			
CHAIR	<input checked="" type="checkbox"/>	GMCRS	<input checked="" type="checkbox"/>
CAO	<input checked="" type="checkbox"/>	GMDS	<input type="checkbox"/>
GMCRS	<input type="checkbox"/>	GMES	<input type="checkbox"/>

Dear Chairperson Stanhope and Directors;

The Alberni-Clayoquot Regional District owns Mount Arrowsmith Regional Park, located in the Regional District of Nanaimo.

With changes in the legislation this year, the property a Regional District owns outside of its boundaries is no longer automatically exempt from property tax. However, the "host" Regional District may grant a property tax exemption if it chooses to do so.

On behalf of the Board of Directors of the Alberni-Clayoquot Regional District, I am asking that the Regional District of Nanaimo grant property tax exemption to District Lot 2000, Cameron Land District and Lot 1, Block 1324, Plan 28909, Cameron Land District. These two properties make up Mount Arrowsmith Regional Park.

Mount Arrowsmith Regional Park is a public park used by residents and visitors in the central part of Vancouver Island. There are no commercial users in the Park.

I look forward to the Regional District of Nanaimo's approval of our request.

Yours truly,

  
Hira Chopra  
Chairperson



REGIONAL DISTRICT OF NANAIMO			
OCT - 1 2004			
CHAIR		GMGRS	
CAO		GMDS	
CMO		GMES	
		<i>Call</i>	<input checked="" type="checkbox"/>

**MEMORANDUM**

**TO** Tom Osborne  
Manager of Recreation and Parks

**DATE:** September 24, 2004

**FROM** Joan Michel  
Parks and Trails Coordinator

**FILE:** 6240-20-HOIA

**SUBJECT** Horne Lake Regional Park Operations Update

**PURPOSE**

To provide the Board with an update on long-term planning for Horne Lake Regional Park (HLRP) operations.

**BACKGROUND**

At the March 9, 2004 Regional Board Meeting, a staff report on operational plans for Horne Lake Regional Park was received and the following resolutions were approved:

*That staff be directed to advertise a request for proposals to operate Horne Lake Regional Park for 2004.*

*That staff be directed to complete a report on a long-term private-sector Horne Lake Regional Park development and operations plan by the early fall of 2004 and in time to advertise and conclude an agreement for 2005 and subsequent years with a private contractor before the end of the year.*

An RFP was issued in the spring of 2004 and Richard Varela of Horne Lake Adventures was selected as the Park Operator with a contract term until December 31, 2004. Mr. Varela is also the Park Operator with the adjacent Horne Lake Caves Provincial Park. Operations at the park went well this past summer. The selected Park Operator had the ability to combine resources to operate the two parks that turned out to be very beneficial to both the operator and to users of both parks.

Actions that are now being implemented in reference to the second resolution include:

- (a) Rezoning of the Park;
- (b) Completing a comprehensive emergency plan for the Park;
- (c) Confirming the Regional District's ability to contract long-term;
- (d) Obtaining professional advice on crafting a long-term public-private business plan and operating agreement for the Park. Request for Proposals to be issued at this stage for a Park Operator combined with Actions 'e' and 'f';
- (e) Obtaining a professional assessment of power, water and septic options at the Park; and,
- (f) Updating the HLRP Management Plan including a guide for long-term development.

**(a) Rezoning**

The formal process to rezone HLRP will begin in October 2004, and be completed in December 2004. A Comprehensive Development Zone is being pursued for the Park in recognition of the property's unique situation, notably the lack of hydroelectric power now and in the foreseeable future. The following permitted uses are being proposed for HLRP:

- i. Wilderness Campground (new definition);
- ii. Outdoor Wilderness Recreation (new definition);
- iii. Residential Use;
- iv. Tourist Store;
- v. Park;
- vi. Public Assembly; and,
- vii. Dock (new definition).

A maximum 125 camping spaces and four group camping areas are being proposed along with a parcel coverage maximum of 15 percent. Wilderness Campground standards will not require urinals, laundry facilities, water hook-ups for recreational vehicles, or a piped network for the community water system. Adequate water storage facilities providing potable water at a single site for public consumption shall be required; Home Lake shall be relied upon as the water reservoir for fire fighting purposes.

**(b) Comprehensive Emergency Plan**

Development of the plan has been initiated with the assistance of the RDN Emergency Services Coordinator. A meeting with neighbouring landowners (BC Parks, Home Lake Strata Corporation, Weyerhaeuser, Terasen, Department of Fisheries and Oceans) will be held in November 2004 to review the draft plan and ensure coordinated responses to fire, flood, rock fall, wild animal and other emergencies specific to Home Lake. A final plan will be completed by the end of 2004.

**(c) Ability to Contract Long-term**

It has been clarified that the RDN has the ability to enter a long-term agreement with a private partner for the operation and development of HLRP as long as the agreement does not place any long-term financial commitments on the RDN. Should legal advisers recommend further caution in respect of long-term RDN commitments, it is possible to apply for use of an alternate approval mechanism under the *Local Government Act*.

**(d) Professional Advice on the Long-term Operating and Development Agreement**

Professional and legal advice will be retained as part of the lead up work required to engage in the Request for Proposals process in February 2005.

**(e) Professional Assessment of Power, Water and Septic Options**

This work will be carried out in 2005 once a successful contractor has been secured. The operator will then have the ability to work with the Regional District in identification and procurement of the necessary utilities that are required to operate the Park.

**(f) Updating the HLRP Management Plan and Guide for Long-term Development**

As detailed in the report received by the Board in March 2004, the existing Management Plan policies for HLRP do not require revision, just operational specifics and, particularly, the development plan as noted in the attachments to this report. An updated HLRP Management Plan will be completed in tandem with the rezoning process; both will be required for the RFP process. A separate report will be prepared for the Board's consideration on the entire Request for Proposal package and approach before it is advertised in February.

The RFP process will take place during February-March with a private sector contractor secured by the end of March 2005. The current April-December 2004 HLRP Operating Contract with Mr. Varela of Home Lake Adventures will be extended by three months.

**ALTERNATIVES**

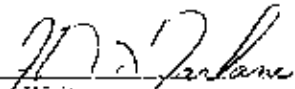
1. To receive the update on long-term planning for Home Lake Regional Park and approve the revised schedule for completion of related actions.
2. To provide alternative direction to staff regarding the long-term planning for Home Lake Regional Park.

**SUMMARY**

In March 2004, the Regional Board approved a comprehensive report on a long-term private-sector development and operations agreement for HLRP. A number of actions are now in progress which include: rezoning of the Park, completing a comprehensive emergency plan for the Park, confirming the Regional District's ability to contract long-term, obtaining professional advice on the crafting a long-term public-private business plan and operating agreement for the Park, obtaining a professional assessment of power, water and septic options at the Park and updating the HLRP Management Plan including a guide for long-term development.

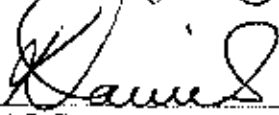
**RECOMMENDATION**

That the update report on long-term planning for Home Lake Regional Park (HLRP) operations, be received.

*for*  .....  
 Report Writer

 .....  
 General Manager Concurrence

*for*  .....  
 Manager Concurrence

 .....  
 CAO Concurrence

COMMENTS:

# Phase 1



to HWY 19

Northpark campsites

Horne Lake Regional Park

Gazebo Point

Qualicum River

## Legend

- Trail
- Setback
- Info
- Parking
- Disabled Persons Parking
- Boat Launch
- Designated Swimming Area
- Camping
- Adventure Camp HQ
- Concession
- Picnic Area
- Gate

0 100 200 300 metres

Paradise Bay

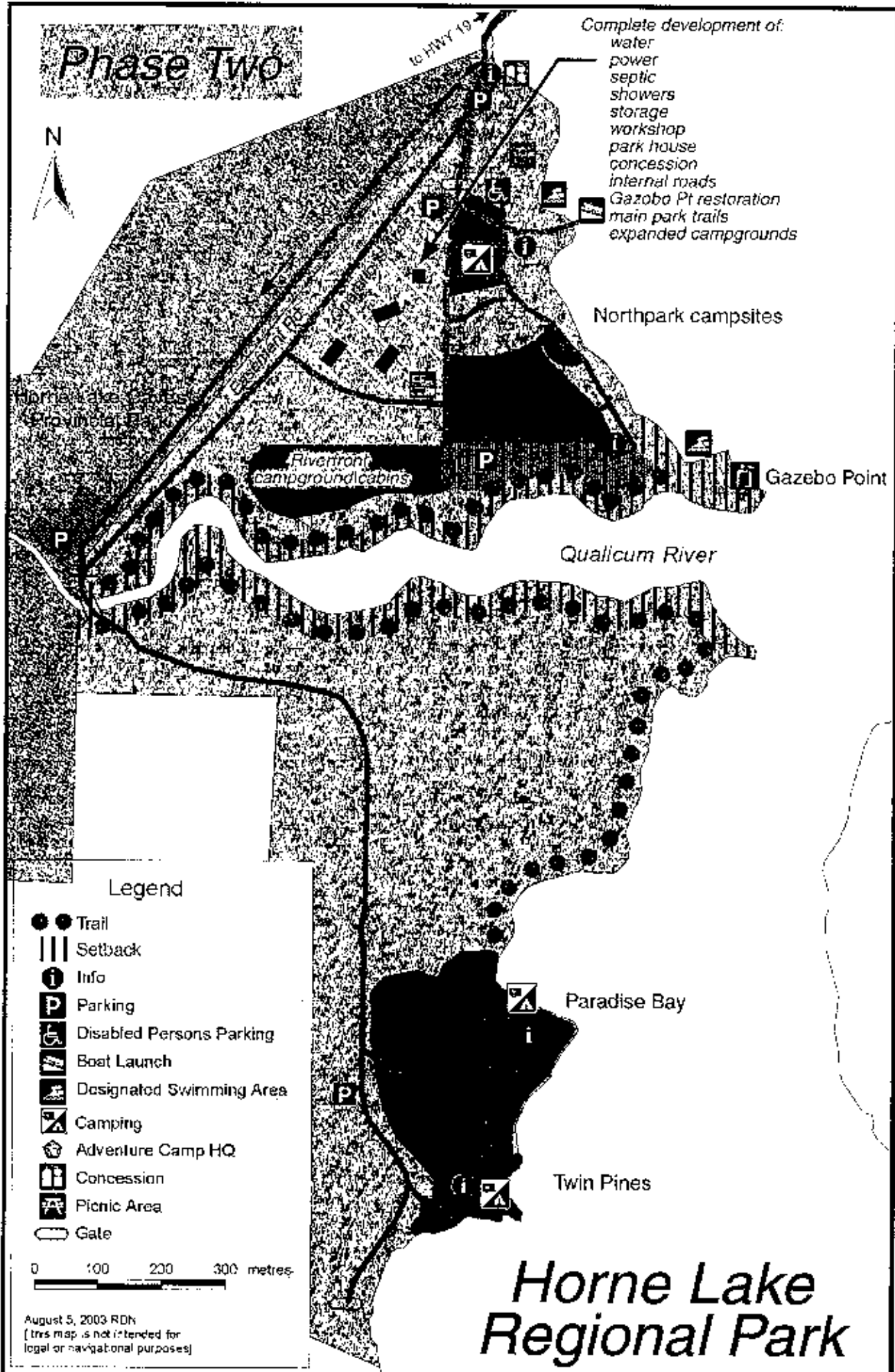
Twin Pines

# Horne Lake Regional Park

August 5, 2003 RDN  
[This map is not intended for legal or navigational purposes]

# Phase Two

N



Complete development of:  
 water  
 power  
 septic  
 showers  
 storage  
 workshop  
 park house  
 concession  
 internal roads  
 Gazebo Pt restoration  
 main park trails  
 expanded campgrounds

Northpark campsites

Riverfront  
 campground/cabins

Gazebo Point

Qualicum River

Paradise Bay

Twin Pines

## Legend

- ● Trail
- ||| Setback
- i Info
- P Parking
- ♿ Disabled Persons Parking
- 🚤 Boat Launch
- 🏊 Designated Swimming Area
- ⛺ Camping
- 🏠 Adventure Camp HQ
- 🛒 Concession
- 🍃 Picnic Area
- 🚪 Gate

0 100 200 300 metres

August 5, 2003 RDN  
 [this map is not intended for  
 legal or navigational purposes]

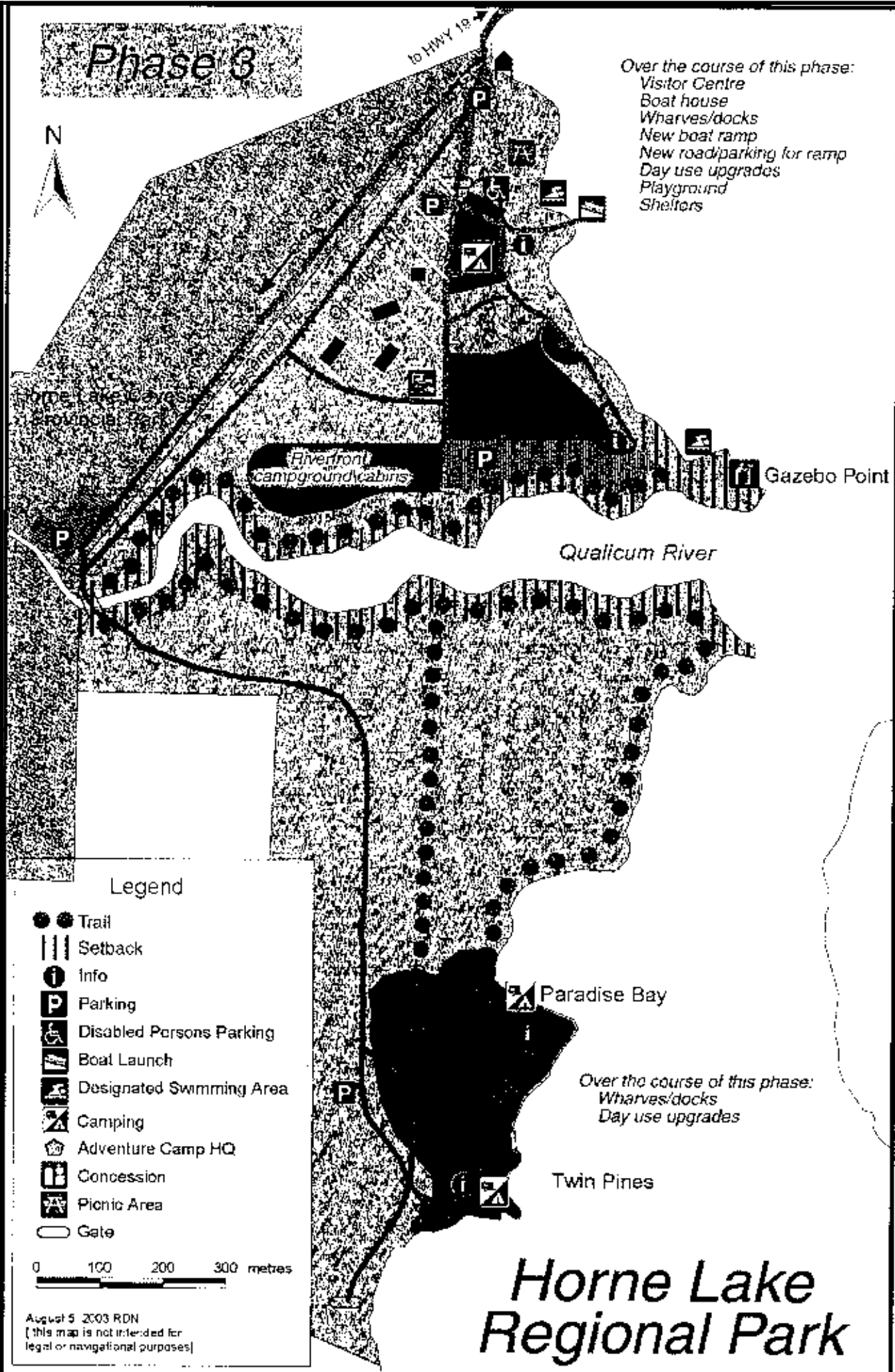
# Horne Lake Regional Park



# Phase 3

N

Over the course of this phase:  
 Visitor Centre  
 Boat house  
 Wharves/docks  
 New boat ramp  
 New road/parking for ramp  
 Day use upgrades  
 Playground  
 Shelters



Riverfront  
 campground/cabins

Gazebo Point

Qualicum River

Paradise Bay

Twin Pines

Over the course of this phase:  
 Wharves/docks  
 Day use upgrades

## Legend

- Trail
- ||| Setback
- i Info
- P Parking
- ♿ Disabled Persons Parking
- 🚤 Boat Launch
- 🏊 Designated Swimming Area
- ⛺ Camping
- 🏠 Adventure Camp HQ
- 🛒 Concession
- 🍃 Picnic Area
- ⬮ Gate

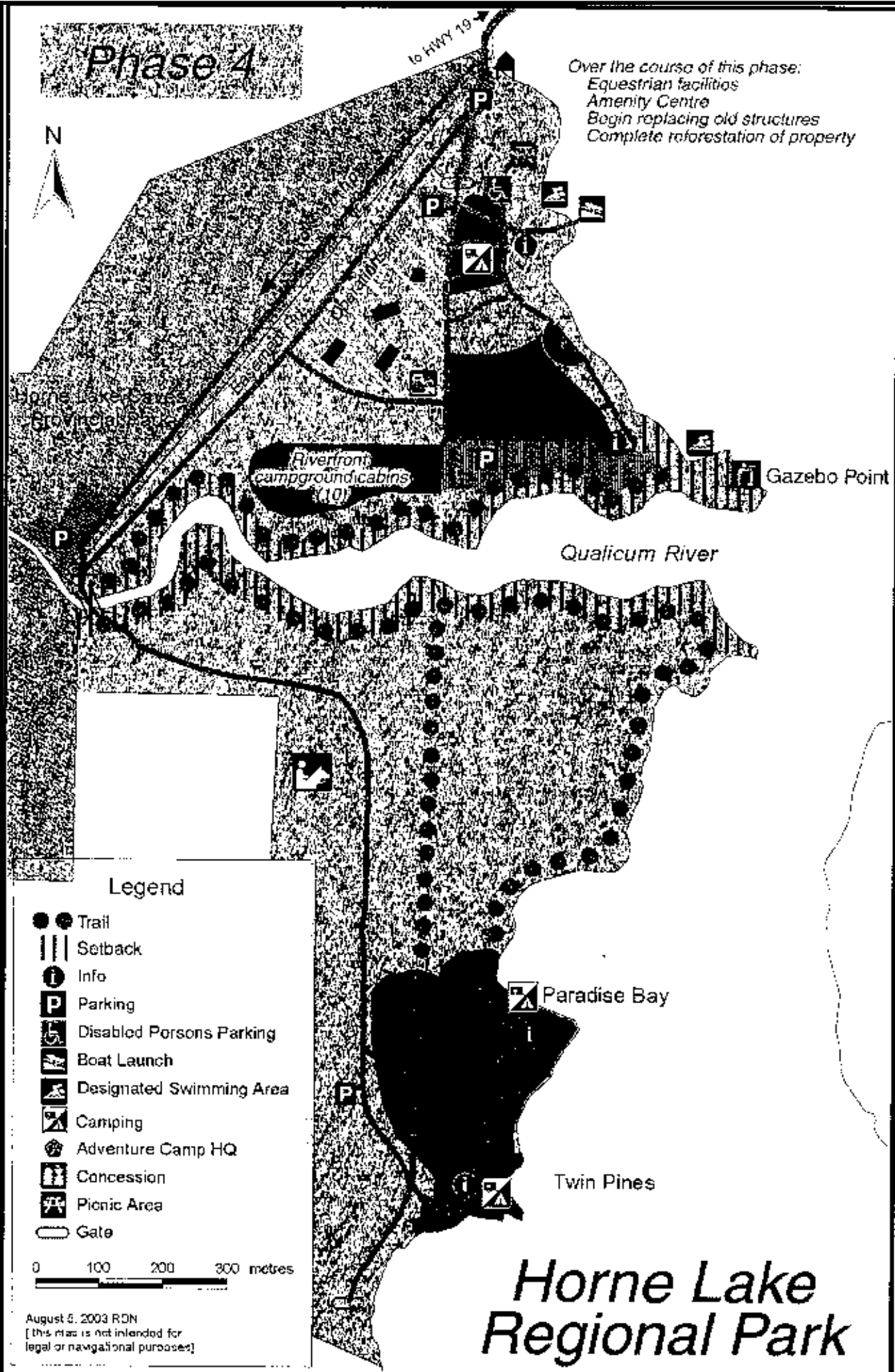
0 100 200 300 metres

August 5 2003 RDN  
 [this map is not intended for  
 legal or navigational purposes]

# Horne Lake Regional Park

# Phase 4

Over the course of this phase:  
 Equestrian facilities  
 Amenity Centre  
 Begin replacing old structures  
 Complete reforestation of property



August 5, 2003 RDN  
 [this map is not intended for legal or navigational purposes]

# Horne Lake Regional Park

OCT - 6 2004

**MEMORANDUM**

CHAIR		GMCRS
CAO	<i>[Signature]</i>	GMDS
GMCMG		GMES

**TO:** C. Mason  
General Manager, Corporate Services

**DATE:** October 6, 2004 *POW*

**FROM:** N. Avery  
Manager, Financial Services

**FILE:**

**SUBJECT:** Permissive Property Tax Exemption – Alberni-Clayoquot Regional District

**PURPOSE:**

To introduce "Property Tax Exemption Bylaw No. 1404, 2004" to provide an exemption from property taxes for the Mount Arrowsmith Regional Park.

**BACKGROUND:**

Regional District's were recently advised that there is a new interpretation of the rules regarding mandatory exemptions from property taxes for property owned or held by them. The rules are now interpreted to state that property owned or held by a Regional District which is located *outside* of their Regional District boundaries is no longer statutorily exempt from property taxes. These types of properties must now be authorized for exemption by a bylaw adopted by the Regional District where the property is physically located. Section 809(4)(g) of the *Local Government Act* permits such exemptions. Permissive exemption bylaws must be adopted annually on or before October 31<sup>st</sup>, or with the assent of the electors may cover a period not exceeding 10 years.

The Alberni-Clayoquot Regional District has corresponded with us regarding Mount Arrowsmith Regional Park which is located within the boundaries of the Regional District of Nanaimo requesting an exemption in accordance with the new interpretation.

**ALTERNATIVES:**

1. Approve the exemption and adopt the bylaw.
2. Do not approve the exemption.

**FINANCIAL IMPLICATIONS:**

A Regional District bylaw exemption permits a property to be exempt from all tax rates including Provincial and other agencies. The current assessed values for the two properties in question would result in total property taxes of about \$3,145 -- with the Regional District portion being about \$405. However, if the property is no longer statutorily exempt there may be unforeseen implications regarding the actual assessed value of the property which could increase those amounts.

The property is operated for public use and the exemption would recognize this value to residents and visitors alike.

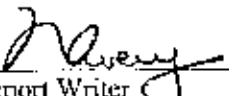
Given the very recent change in the interpretation staff recommend adopting a bylaw covering the 2005 fiscal year with staff follow up on the implications of adopting a bylaw covering a period longer than one year.

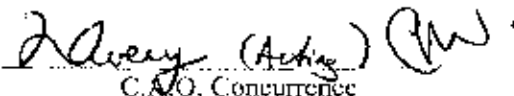
**SUMMARY/CONCLUSIONS:**

The Alberni-Clayoquot Regional District has sent correspondence requesting a statutory exemption from property taxes for Mount Arrowsmith Regional Park. It is compelled to do this because of a new interpretation of rules regarding Regional District owned property which is located outside of its own Regional District boundaries. A permissive exemption must be authorized by bylaw on or before October 31<sup>st</sup> in each year. The Board may also adopt a bylaw providing for a multi year exemption not exceeding a 10 year period with the assent of the electors. Given the very recent change in the interpretation staff recommend adopting a bylaw covering the 2005 fiscal year with staff follow up on the implications of adopting a bylaw covering a period longer than one year.

**RECOMMENDATION:**

1. That "Property Tax Exemption Bylaw No. 1404, 2004" be introduced for first three readings.
2. That "Property Tax Exemption Bylaw No. 1404, 2004" having received three readings, be adopted.
3. That staff follow up with a report on the implications of adopting a bylaw for this purpose which would authorize a multi year exemption from property taxes.

  
Report Writer

  
C.A.O. Concurrence

**COMMENTS:**

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1404**

**A BYLAW TO AUTHORIZE A PROPERTY TAX EXEMPTION FOR THE YEAR 2005**

WHEREAS a Board may, by bylaw adopted by at least 2/3 of the votes cast, exempt property from property taxes under Section 809(3), in accordance with Section 809(4) of the *Local Government Act*;

AND WHEREAS the Alberni-Clayoquot Regional District is the owner of properties located within the boundaries of the Regional District of Nanaimo and the properties are used as a public park;

NOW THEREFORE the Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. The properties described as:

District Lot 2000, Cameron Land District

Lot 1, Block 1324, Plan 28909, Cameron Land District

which are owned by the Alberni-Clayoquot Regional District and are used for public park purposes, are authorized to be exempt from property taxes in accordance with Section 809(4)(g) of the *Local Government Act* for the year 2005.

2. This bylaw may be cited as the "Property Tax Exemption Bylaw No. 1404, 2004".

Introduced and read three times this 26th day of October, 2004.

Adopted this 26th day of October, 2004.

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CHAIRPERSON

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GENERAL MANAGER, CORPORATE SERVICES



REGIONAL DISTRICT OF NANAIMO			
OCT - 4 2004			
CHAIR		CMCRS	
DEAC	GW	SMDS	
COMM		GRES	
	COU		✓

MEMORANDUM

**TO:** Robert Lapham  
General Manager, Development Services

**DATE:** October 4, 2004

**FROM:** Jason Llewellyn  
Manager, Community Planning

**FILE:** 0410-20 LCLB

**SUBJECT:** Liquor Licensing Policy

**PURPOSE**

To present for Board consideration, a new Liquor Licensing Policy.

**BACKGROUND**

In 2002 the Provincial Government significantly amended the *Liquor Control and Licensing Act* and related Regulations. The most significant change was the implementation of a new licensing system, which replaced the former multiple class licensing system.

The existing policy (Policy No.B1.6) for processing liquor license applications was approved by the Board in 1997 and is outdated given changes to the *Liquor Control and Licensing Act* and its regulations, and new Regional District of Nanaimo (RDN) Bylaws.

In order to ensure that the RDN considers liquor license applications, and provides input to the Province, in a consistent, equitable, and efficient manner a revised policy should be adopted. A draft policy is attached to this report as Schedule 1 for consideration by the Board.

**Food Primary Establishments, Liquor Primary Establishments, and Wineries**

The Liquor Control and Licensing Branch (LCLB) regulates establishments where liquor is sold for consumption on site. All former Class "B" Restaurant liquor licenses are now classified as "Food Primary licenses", where the focus is on the service of food. All former Class "A" Lounges and Pubs, Class "C" Cabarets, Class "D" Neighbourhood Pubs, Class F Marine Public Houses, etc. are now classed as "Liquor Primary licenses," where the primary focus is on the consumption of alcohol.

Winery lounges were formerly Class J licensed establishments. Under the new system a winery requires a "Winery license" to allow wine tasting at a Winery site. However, a Winery wanting to serve wine by the bottle or glass must receive from the LCLB a "Winery license endorsement".

The LCLB is the approving authority for Liquor Primary and Food Primary establishments, and Winery license endorsements. However, local government support or objection to an application for a new or amended license is a critical factor in obtaining LCLB approval. The LCLB has mandated that local government's opinion be based on public input if it is to be considered. The form and content of the local government resolutions are also mandated by the LCLB. Opinions not relevant to land use impact, or community social issues may not be considered by the LCLB in their evaluation of the application.

The new licensing system does not limit capacity, hours of operation, and entertainment type based upon specific classes of license. For example a typical former Class "D" Neighbourhood Pub liquor license restricted the capacity of the establishment to 65 persons inside (with a patio for 20 persons), hours of operation until midnight, and entertainment limited to certain games. Under the new regulation any Liquor Primary license holder, or applicant for a new license, may apply to the province for any patron capacity (subject to Fire Code and Building Code), hours of operation between 9:00 a.m. and 4:00 a.m., and patron participation entertainment such as live music, and dancing. The LCLB is requesting that local governments evaluate proposals in their areas of jurisdiction, and identify the land use issues for LCLB consideration.

Restaurants or "Food Primary" establishments may apply for the following.

- Late night hours (serving of alcohol after midnight)
- Patron participation entertainment (dancing, karaoke, etc.)

If a restaurant wants to serve alcohol after midnight or have patron participation entertainment the LCLB requests that local governments provide a resolution as discussed above. No local government comment is required for Food Primary license applications that do not involve late night hours or patron participation entertainment.

Local governments may by resolution decline to provide comment on an application in their area of jurisdiction. In this case the LCLB will gather the views of residents, and assess the issuance of the liquor license based upon their regulatory criterion.

A detailed discussion of the regulations and role of local governments with respect to Liquor Primary, Food Primary, and Winery license endorsement applications is contained in the document prepared by the LCLB entitled "Role of Local Government and First Nations in the Provincial Liquor Licensing Process." This document is available for review upon request from the Development Services Department (or on the web at <http://www.pssg.gov.bc.ca/lclb/publications/index.htm>).

The following is a list of Food Primary and Liquor Primary establishments, and Wineries in the Regional District of Nanaimo (not including establishments inside municipal boundaries, and on Gabriola Island).

ESTABLISHMENT NAME	ELECTORAL AREA	LOCATION	LICENSE TYPE
Bavaria Country House Restaurant	F	1223 Smithers Rd.	Food Primary
Cedarbrook Restaurant	A	Unit A 1830 Cedar Rd.	Food Primary
Connections	H	3350 SpitFire Rd.	Food Primary
Cottonwood Golf Course	A	1975 Haslam Rd.	Food Primary
Creek House Restaurant	G	1 - 1025 Lee Rd.	Food Primary
Fairwinds Golf & Country Club	E	3730 Fairwinds Dr.	Food Primary
Helen's Pizza & Steak House/2	H	6881 West Island Hwy.	Food Primary
Mei Li Restaurant	G	890 Wembley Rd.	Food Primary
Old Country Market	F	2310 Alberni Hwy.	Food Primary
Orient Restaurant	E	1 2451 Collins Cres.	Food Primary
Paulette's Restaurant	G	4-899 Island Hwy West	Food Primary
RASPBERRY'S BOOKS & BEVERAGES	B	2 575 North Rd.	Food Primary
SANDBAR CAFÉ	H	6087 Island Hwy.	Food Primary
SCHOONER COVE RESORT AT	E	3521 Dolphin Rd.	Food Primary

ESTABLISHMENT NAME	ELECTORAL AREA	LOCATION	LICENSE TYPE
FAIRWINDS			
SHIP & SHORE MARINA	H	180 Crome Pt. Rd.	Food Primary
SUZY'S RESTAURANT	B	560 North Rd.	Food Primary
The Landing	E	1600 Strougler Rd.	Food Primary
Trees Restaurant	F	1385 Alberni Hwy.	Food Primary
Arlington Hotel (Nanoose Bay)	E	2414 Island Hwy.	Liquor Primary
Cottonwood Golf Course	A	1975 Haslam Rd.	Liquor Primary
Crown and Anchor Roadhouse Pub	H	6120 West Island Hwy.	Liquor Primary
Fairwinds Golf & Country Club	E	3730 Fairwinds Dr.	Liquor Primary
French Creek Marine Pub	G	1 - 1025 Lee Rd.	Liquor Primary
Frontiersman Neighbourhood Pub & Restaurant	F	2280 Alberni Hwy.	Liquor Primary
Rocking Horse Ranch	E	2038 Sanders Rd.	Liquor Primary
Royal Canadian Legion, Branch No. 211	H	7035 Island Hwy.	Liquor Primary
Schooner Cove Resort & Marina at Fairwinds	E	3521 Dolphin Rd.	Liquor Primary
Chateau Wolf	D	2534 Maxey Rd.	Winery

#### Licensee Retail Stores and Rural Agency Stores

Licensee Retail Stores, commonly referred to as cold beer and wine stores, were formerly licensed as Class F or G establishments. Recently the LCLB announced that the moratorium on new Licensee Retail Stores shall remain in place for the next 4 years.

The Liquor Distribution Branch (LDB) is responsible for licensing Rural Agency Stores, and their moratorium on Rural Agency Stores has recently been lifted. In rural communities and major tourist destinations that cannot support a stand alone liquor store the LDB intends to allow liquor to be sold in grocery stores, subject to certain criteria. These establishments are referred to as Rural Agency Stores, and are intended to be located in an independently owned full service general grocery store, which has been in business for at least one year, whose business is not associated in any manner with a chain store operation, and that stocks a sufficient quantity and variety of the basic food groups and staples to meet the basic shopping needs of the community.

The LDB treats local government as a local stakeholder when evaluating an application for a Rural Agency Store. The LDB provides to the RDN a written invitation to provide input. The RDN may, or not comment, as it deems appropriate.

A detailed discussion of the policies and procedures regarding Rural Agency Stores is contained in the document prepared by the LDB entitled "Rural Agency Store Program: Information Package, 2004." This document is available for review at the Development Services Department (or on the web at <http://www.bcliquorstores.com/en/about/liquorpolicy>).

The following is a list of License Retail Stores and Rural Agency Stores in the Regional District of Nanaimo (not including establishments inside municipal boundaries, and on Gabriola Island).



ESTABLISHMENT NAME	ELECTORAL AREA	LOCATION	LICENSE TYPE	
Arlington Licensed Liquor Store	E	2414 Island Hwy.	Licensee Store	Retail
Frontiersman Cold Beer & Wine Store	F	2280 Alberni Hwy.	Licensee Store	Retail
Schooner Cove Resort at Fairwinds	E	3521 Dolphin Rd.	Licensee Store	Retail
Errington general Store	F	1544 Grafton Ave.	Rural Agency Store	
Ruckledge General Store	A	2199 Trans Canada Hwy.	Rural Agency Store	
Georgia Park Store	H	6871 Island Hwy.	Rural Agency Store	

### ALTERNATIVES

1. Receive this report for information, consider the proposed strategy discussed in this report and support the recommendations outlined.
2. Receive this report for information, amend the proposed policy and recommendations as appropriate, and support the amended policy and recommendations.
3. Approve the recommendations as discussed above and direct staff to also develop specific zoning regulations to further restrict the location and operation of licensed establishments and / or Rural Agency Stores.

### IMPLICATIONS

#### Policy Justification

The proposed policy provides direction to staff and the Board on how to process liquor license applications, and requests for comment on Rural Agency Stores. This policy will ensure that the process results in a local government resolution that is in accordance with the strict requirements outlined by the LCLB. It will also ensure that all applicants are dealt with in an efficient, consistent and equitable manner.

#### Zoning

Currently the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 allows "neighbourhood pubs" in the Commercial 5 and Commercial 6 Zones. A "neighbourhood pub" according to Zoning Bylaw No. 500 means an establishment operating under a "D" type license issued pursuant to the *Liquor Control and Licensing Act*. The definition of "ski lodge" in Bylaw No. 500 makes reference to a Class "A" Recreational Centre License issued pursuant to the *Liquor Control and Licensing Act*. Given the changes to the *Liquor Control and Licensing Act* these classes of license no longer exist and the definitions should be amended.

The more recent Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002 is worded in accordance with the *Liquor Control and Licensing Act*. The Bylaw refers to liquor primary establishments as "pubs" and defines them as "a licensed establishment pursuant to the *Liquor Control*

Act, serving primarily alcoholic beverages as well as some food, and may include a retail store for beer and wine." It is proposed that as part of the Zoning Bylaw update currently underway, the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 be amended to replace the "neighbourhood pub" definition with the "pub" definition contained in Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002.

The sale of alcohol from a winery for consumption on site is considered a farm use, pursuant to Agricultural Land Reserve regulations, and is a permitted use on all ALR lands, regardless of zoning; therefore, specific zoning to regulate the sale of wine by the bottle or glass at wineries is not required at this time.

The retail sale of liquor is not differentiated from the retail sale of any other good according to the Zoning Bylaw. Therefore, Rural Agency Stores or Licensee Retail Stores may locate in any zone where a Convenience Store, Gasoline Service Station, Retail Store, or Shopping Centre are permitted, subject to the LDB approval. It is not proposed that Rural Agency Stores be spot zoned separate from any other retail use.

Where a local government resolution is required the LCLB has in the past put much weight on the position of local government and has not issued liquor licenses contrary to legitimate local government concerns expressed in a local government resolution. This is not expected to change; however, it should be noted that the final approval authority remains in the hands of the LCLB. Nevertheless, given the LCLB requirement for a favorable resolution from the Board prior to the issuance of a Liquor Primary license, or Food Primary license involving late night hours or patron participation entertainment, it is not proposed that the Zoning Bylaw be amended to spot zone, or control the size and operation of licensed establishments.

Local government input regarding Rural Agency Stores plays a significantly smaller role in the approval process than is the case where a local government resolution is required. If the Board wishes to guarantee their control of the location of Rural Agency Stores or Licensee Retail Stores specific zoning regulations must be developed for these uses.

## Fees

It is proposed that the following fees be charged for processing the various liquor license application types. These fees are in line with the fee for a zoning application, and reflect the fact that the process is similar. There is no fee proposed for providing input regarding a Rural Agency Store.

- Liquor or Food Primary Application - \$800.00 plus \$1,000.00 advertising deposit
- Liquor or Food Primary Application with associated application to amend land use - \$400.00
- Application for a temporary amendment Director approved = \$400.00
- Application for a temporary amendment Board approved = \$800.00 plus \$1,000.00 advertising deposit

The Regional District of Nanaimo Fees and Charges Bylaw No. 1259, 2002 must be amended to implement the fees for processing liquor license applications. Should the Board support this policy and fee structure an amendment to Regional District of Nanaimo Fees and Charges Bylaw No. 1259, 2002 shall be prepared for Board consideration.

## **Opting Out**

As noted the Board may opt out of providing local government resolutions. Given the latitude that applicants now have with respect to the nature of the applications that may be made, and the potential for significant impact associated with approval of those applications, it is not recommended that the Board opt out of the process to provide comment to the LCLB on liquor license applications.

## **Public Consultation**

The LCLB will not accept a local government resolution if it is not based upon public input. The LCLB does not specify the public input process required, and leaves that to the local government; however, the LCLB provides guidelines regarding acceptable public input. The proposed policy meets those guidelines, and is also consistent with the standards contained in Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002.

Where a liquor license application, requiring a local government resolution, is associated with an application for an OCP amendment or rezoning the public input process associated with the land use change shall be used to obtain public input on the liquor license application. This avoids an unnecessary duplication of public input processes.

In addition to consideration of the opinion of residents, the LCLB wants the Board to consider and comment on the issues listed in Section 3a of the attached policy. These issues form the basis of the resolution requested by the LCLB. The Board may provide any comments it wishes to the LCLB, in addition to comments related to the above issues. However, the LCLB may consider certain comments irrelevant if they do not relate to land use or social impacts. The Board may provide a favorable resolution subject to a certain condition; however, if that condition is not within the jurisdiction of the LCLB to enforce the license may be issued without the condition being met.

## **Temporary Amendments**

The General Manager of Development Services, or a staff member appointed by the General Manager, is delegated in the policy the authority to provide comment to the LCLB on behalf of the RDN for temporary changes to a liquor license. Typical temporary amendments include a pub that wishes to open one hour later on New Years Eve, or a golf course lounge that wishes to increase capacity for one night to accommodate a golf tournament. LCLB regulations allow staff to comment on temporary amendments, and do not require public input or a Board resolution. The General Manager will provide input in accordance with the following conditions:

- not more than 5 temporary changes for each individual liquor license are approved per calendar year,
- the temporary change is in accordance with all RDN Bylaws,
- the RCMP have no objection to the application, and
- the potential social and land use impacts are considered by the Director.

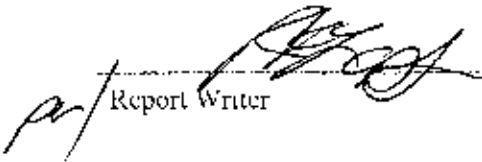
If the General Manager of Development Services, or RCMP, is not supportive of a temporary change the policy allows the applicant to have the Board consider the application under the same process as a permanent change to a liquor license application.

## SUMMARY/CONCLUSIONS

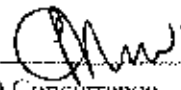
As a result of changes to the Province's rules and regulations regarding licensed establishments and liquor retail outlets, and the changing role of local government in the approval process, the RDN requires a new policy, which outlines the manner in which such applications and requests for input are to be processed. The policy attached as Schedule 1 is in accordance with the requirements of the province and is recommended as a means to ensure that applications regarding liquor licenses and referrals regarding Rural Agency Stores are processed by staff and the Board, and that the required input is provided, in a consistent, equitable, and efficient manner.

## RECOMMENDATIONS

1. That the staff report on a Liquor Licensing Policy be received for information.
2. That the Board approve, by resolution, the Liquor Licensing Policy attached to this report as Schedule 1.
3. That the Board direct staff, by resolution, to process an amendment to Regional District of Nanaimo Fees and Charges Bylaw No. 1259, 2002 to incorporate the fees discussed in this report.

  
Report Writer

  
General Manager Concurrence

  
CAO Concurrence

COMMENTS:

**Schedule 1**

**REGIONAL DISTRICT OF NANAIMO**  
**POLICY**

SUBJECT: <i>Liquor License Applications</i>	POLICY NO:
	CROSS REF:
EFFECTIVE DATE:	APPROVED BY:
REVISION DATE:	PAGE 1 OF 5

**PURPOSE**

**1. Scope**

This document is intended to outline the process employed by the Regional District of Nanaimo in the review and processing of requests for local government resolutions for liquor license applications, and requests for input on rural agency stores. This policy applies to:

- a. Regional District of Nanaimo Board resolutions required by the Liquor Control and Licensing Branch (I.C.L.B) associated with Liquor Primary or Food Primary liquor licenses, and Winery endorsements, and
- b. requests for input from the Liquor Distribution Branch (LDB) to the Regional District of Nanaimo regarding rural agency stores.

**2. Applications**

**a. Application Forms**

Applications for a Board resolution shall be made to the General Manager of Development Services on the form provided by the General Manager, and shall contain:

- i) Name, address, and signature of the applicant,
- ii) Name, address, and signature of registered owner, if different from the applicant, or a letter of consent from the owner, if the applicant is not the owner,
- iii) Title search for the property, including copies of any charges on title,
- iv) The legal description of the property, and street address of the property,
- v) Type of application being made:
  - Application for new liquor primary license
  - Application for an amendment to an existing liquor primary license
  - Application for a food primary license
  - Application for a temporary amendment to an existing liquor license

- vi) The reasons, comments, or plans in support of the application, and
- vii) For an application for a new liquor primary license, the required LCLB summary report and notice that the application is at Stage 3 of the LCLB's process; and
- ix) For all other applications receipt of a copy of a completed LCLB application form.

**b. Application Fees**

At the time of application for a local government resolution the applicant shall pay the Regional District of Nanaimo an application fee in the amount set out in Regional District of Nanaimo Fees and Charges Bylaw No. 1259, 2002 and any amendments thereto.

**c. Consideration of Applications**

Applications for local government resolution shall be presented to the Board for consideration at a regular meeting of the Board. A report shall be prepared for the Board by the Development Services Department that shall contain: details of the application; an evaluation of the proposal; a summary of referral responses; and a draft resolution for the Board's consideration in accordance with the *Liquor Control and Licensing Act* and Regulation. The Board may approve the draft resolution, amend the draft resolution and approve it, or provide no comment.

**d. Public Consultation**

The Regional District of Nanaimo will solicit and receive the views of residents that may be impacted by the application in accordance with section 2. d. i), ii), and iii) of this document.

i) Hearings

The RDN shall hold a hearing, which shall be advertised in accordance with Section 2.e. On the date identified in the public notice the Board, or designate, will hear the applicant and members of the public it considers may be impacted if the liquor license is granted.

ii) Liquor License Application with an Official Community Plan (OCP) Amendment and/or Land Use and subdivision Bylaw Amendment

Where an application for a local government resolution is associated with an Official Community Plan (OCP) Amendment or an application for land use and subdivision bylaw change the Public Hearing for that application shall be used to obtain public input on the liquor license application, provided the requirements of Section 2.e. are met.

iii) Public Information Meetings

The RDN may, at its discretion, hold a public information meeting prior to the hearing to facilitate additional consultation with the public.

**e. Public Notice**

- i) Upon receipt of a complete application the RDN shall post a notice on the parcel in a location unobstructed to view from the adjacent highway or street, advertising that the property is subject to a liquor license application.
- ii) The RDN will mail, or otherwise deliver, written notice to owners and tenants in occupation of any part of a parcel which is the subject of the application, and within a distance of 200 metres of all parcels that are the subject of the application

at least 10 days prior to the date of the hearing advising the public of the application and their right to be heard at the hearing.

- iii) The RDN shall place advertisements in a local newspaper the publication to appear not less than 3 nor more than 10 days before the date the Board will hold the hearing advising the public of the application and their opportunity to be heard at the hearing.
- iv) The purpose of the letter and newspaper notice will be to:
  - inform the public that the Board has received a request for a local government resolution for a specific site;
  - identify the type of resolution applied for, and the specific terms requested in the application;
  - make available the time and date on which public representations will be heard by the Board, or designate; and
  - outline any proposed changes to an existing liquor license if the application is for an existing licensed facility.

**f. Resolution**

**Outline**

The resolutions passed by the Board shall take the form outlined in the document *Role of Local Government and First Nations in the Provincial Liquor Licensing Process* prepared by the Liquor Control and Licensing Branch.

The Board may make a resolution conditional upon some term or condition; however, prior to doing so Council should ensure that the term or condition is within the jurisdiction of the Liquor Control and Licensing Board to impose or enforce.

**g. Special Occasion Licenses**

This policy does not apply to public special occasion licenses.

**3. Local Government Resolution Application Evaluation Criteria**

**a. Community Impact**

The Board may consider the following when providing a resolution with respect to an application for a new liquor license, or an amendment to an exiting license:

- i) Location of the establishment,
- ii) Proximity of the establishment to other social or recreational facilities and public buildings,
- iii) Occupant load and hours of liquor service,
- iv) The number and market focus or clientele of liquor primary establishments within a reasonable distance,
- v) Traffic, noise, parking and zoning,
- vi) Population, density, and trends,
- vii) Relevant socio-economic information,

- ii) In the case of a food primary license application, whether the proposed amendment will result in the establishment being operated in a manner that is contrary to its primary purpose, and
- ix) The impact on the community if the application is approved.

**b. Occupant Load**

Occupant load shall be taken as the lesser number of persons allowed in a license establishment under the following provisions:

- i) British Columbia Building Code
- ii) Fire Services Act and British Columbia Fire Code
- iii) Guidelines for calculating occupant load for licensed liquor establishments published by the *Building Policy Branch, Ministry of Social Development and Economic Security*

**4. Temporary Change to a Liquor License Application**

The General Manager of Development Services, or a staff member appointed by the General Manager, is hereby delegated the authority to provide comment to the LCLB on behalf of the RDN for temporary changes to a liquor license. The General Manager will provide input in accordance with the following conditions:

- a. not more than 5 temporary changes for each individual liquor license are approved per calendar year,
- b. the temporary change is in accordance with all RDN Bylaws,
- c. the temporary change application is referred to the RCMP and Bylaw Services, and
- d. the potential social and land use impacts are considered.

If the General Manager of Development Services, or RCMP, is not supportive of a temporary change the applicant may have the Board consider his application under the same process as a permanent change to a liquor license application.

**5. Rural Agency Store Input Process**

Where an invitation for input is received from the LDB regarding a Rural Agency Store the General Manager of Development Services shall provide the following to the LDB.

- a. Comment on the conformity of the proposed Rural Agency Store to the Regional Growth Strategy, and the applicable Official Community Plan and land use and subdivision bylaw.
- b. The opinion of the Rural Area Director for the area in which the Rural Area Store is to be located.

At the discretion of the Rural Area Director the RDN may hold a public information meeting to obtain input for consideration by the Rural Area Director when determining his comments for the LDB.





<b>REGIONAL DISTRICT OF NANAIMO</b>			
OCT - 4 2004			
CHAIR		GMCRS	
SAO	<i>W</i>	GMDS	
GMCRS		GMES	
<i>COV</i>			✓
		DATE:	

**MEMORANDUM**

**TO:** Robert Lapham  
General Manager, Development Services

**FROM:** Jason Jewell  
Manager, Community Planning

**SUBJECT:** Board of Variance Policy

**FILE:** 3730 00 BOV

**DATE:** October 1, 2004

**PURPOSE**

To clarify the role and procedures of the Board of Variance (BOV) and to consider establishing a policy that provides RDN comments and opinion for consideration by the BOV and clarifies opportunities for the BOV to request clarification from RDN staff on certain issues.

**BACKGROUND**

Where a local government has adopted a land use bylaw, it must also establish a Board of Variance (BOV) by bylaw. That bylaw must also set out the procedures to be followed by the local government and BOV in receiving and considering applications, and providing notice. The BOV consists of three members appointed by the Regional District of Nanaimo (RDN) Board. The BOV members appoint one of their number as Chairperson. Members are appointed for a 3-year term. A local government may rescind an appointment to the BOV at any time.

Applications for BOV appeals are made by owners of the subject property or their authorized agent to the local government. The BOV is authorized to consider two types of applications:

1. Applications requesting a "minor variance" from persons who allege they are caused "undue hardship" by:
  - enforcement of the Land Use Bylaw regulation concerning the siting, size or dimension of a building or the siting of a manufactured home;
  - enforcement of a Subdivision Servicing requirements related to water, sewage and drainage services in areas zoned for agricultural or industrial use; or
  - the prohibition on structural alterations or additions to a building or structure while a "non-conforming use" is continued in all or part of it; or
2. Appeals from persons who allege that the Building Inspector made an error in determining the amount of damage to a building which is, in whole or part, a "non-conforming use" If a building or structure, which is non-conforming to a bylaw, is damaged or destroyed to the extent of 75% or more of its value above its foundations, as determined by the Building Inspector (Subsection 911(7) of the *Local Government Act* ) the repair or reconstruction of that building or structure

may not occur). The BOV may set aside the decision of the Building Inspector on the extent of damage, and make its own determination.

The decision making authority of the BOV is independent and separate from the RDN Board. No appointed or elected RDN official can sit as a member of the BOV. RDN staff, committees, or the Board may provide information, opinions, or recommendations to the BOV on particular applications, however, they cannot direct the BOV on jurisdiction or whether an appeal should be granted or denied.

### **Limitations on Authority**

The BOV cannot approve a variance or exemption to a bylaw that:

- a. is in conflict with a Section 219 Covenant registered on title;
- b. is in conflict with Section 27 of the *Heritage Conservation Act*;
- c. deals with a matter covered in a land use contract;
- d. deals with a matter covered in a:
  - Development Permit
  - Temporary Use Permit
- e. deals with a designated flood plain.

The BOV cannot approve a variance or exemption to a Bylaw that, in the opinion of the BOV,

- a. results in inappropriate development of the site;
- b. adversely affects the natural environment;
- c. substantially affects the use and enjoyment of adjacent land;
- d. varies permitted uses and densities under the applicable bylaw; or
- e. defeats the intent of the bylaw.

In each case it is up to the BOV to consider the above issues and make their own determination regarding the impact of the proposed variance.

The BOV cannot place conditions on its approval, other than a condition that a building be started and completed within certain time period.

The BOV cannot establish predetermined criterion for denial of an application. For example the BOV cannot establish a policy that all setback variance requests for a reduction in setback of over 50% are not "minor variances." The Courts have determined that the BOV must consider each application on its specific circumstances and merits.

### **Undue Hardship**

In order to grant a "minor variance" the BOV must find that the enforcement of a bylaw requirement would cause the applicant "undue hardship". What constitutes an "undue hardship" is not defined, and is entirely up to the BOV to determine given the individual merits of each case. Based on past Court decisions it can be argued that the cost of complying with a bylaw cannot, by itself, constitute "undue hardship." However, this is a determination the BOV must make. It is important to note that the BOV is not required to identify, explain or justify in their rulings the hardship that they found.

### **Minor Variance**

The Local Government Act states that the BOV may "order that a *minor variance* be permitted from the requirements of the Bylaw". Therefore, the BOV must find that a variance is minor prior to granting that variance. What constitutes a "*minor variance*" is not defined, and is entirely up to the BOV to determine given the individual merits of each case.

### **Process**

The BOV has a Secretary who receives applications, schedules the BOV meetings, and keeps a record of the BOV decisions. Hearings of the BOV are open to the public. Applications are made to the Building Inspection Department and forwarded to the Secretary of the BOV (a private contractor) for processing. BOV hearings are held every second Wednesday of each month unless varied by the chair. It is not typical for the Development Services Department to make a submission, or provide any information regarding an application to the BOV for its consideration.

The BOV is required under the *Local Government Act* to give notice of "undue hardship" applications to owners and tenants in occupation of land that is the subject of the application, and the owners and occupiers of land adjacent to that land. The Notice must specify the subject of the application, and the time, date and place of the hearing. The *Local Government Act* does not specify the timing of delivery of the notice. However, Regional District of Nanaimo Bylaw No. 1260 requires that notice of the BOV hearing be mailed or otherwise delivered at least 7 days before the hearing date. Regional District of Nanaimo Bylaw No. 1260 is attached to this report as Attachment 1 for the Committee's information.

According to Regional District of Nanaimo Bylaw No. 1260, once a BOV decision is made the Secretary to the BOV must send the written decision to the applicant, all persons who made representations at the hearing, and the Building Inspection Department within 7 days of the decision. Records of BOV decisions must be maintained for public inspection. These records are kept in the Development Services Department.

The decision of the BOV on "undue hardship" cases is final. Procedural matters may be challenged in a court of law but a challenge on the basis that a decision was incorrect, not reasonable, or not justified will not be considered by the Courts. The correctness of BOV decisions on appeals regarding the Building Inspectors decision on extent of damage can be appealed to the Supreme Court of British Columbia and that decision may be further appealed to a higher court by either the applicant or the Regional District of Nanaimo.

### **ALTERNATIVES**

1. Receive this report for information, consider the proposed policy and support the recommendations.
2. Receive this report for information, amend the proposed policy and recommendations as appropriate, and support the amended policy and recommendations.
3. Not support the attached policy and provide no opinion or comment to the BOV.

## IMPLICATIONS

### Regional District Board or Board of Variance

As can be seen in the tables below there is a significant difference in the use of the BOV by jurisdiction. It is assumed that the extent of use of the Board of Variance is dependant upon two factors. The first, and arguably the most important, factor is the level to which the local government informs the public that the Board of Variance is an option. Some local governments tend to only advise potential applicants of the development variance permit option. The second factor is the BOV's reputation with respect to evaluating whether a variance is minor or whether undue hardship has been demonstrated.

If identified as an option the BOV tends to be heavily used. The BOV application fees are typically lower and the processing times are typically shorter. Processing times are shorter than the development variance permit process because the impacts and implications of the variance are **not** evaluated by professional staff prior to consideration by the BOV members. Also, the BOV is **not** permitted to impose conditions, and the public notification requirements are less. It is noted that the RDN BOV application fee is \$150.00 as compared to the application fee for a development variance permit which is \$400.00. This may be considered as an incentive for applicants to utilize the BOV and the fees could be equalized if the committee feels that this unduly influences the type of application selected by applicants.

### Regional District of Nanaimo Board of Variance Data

The following tables show the number of BOV applications processed by regional districts on Vancouver Island, and the city and towns in the Regional District of Nanaimo (excluding Lantzville).

#### Number of Board of Variance Applications by Regional District over Last Three Years

	Alberni-Clayquot Regional District	Comox-Strathcona Regional District	Capital Regional District	Cowichan Valley Regional District	Regional District of Nanaimo
2002	0	3	24	1	30
2003	0	3	11	0	30
2004	0	0	8	0	26

#### Number of Board of Variance Applications by Town or City

	Nanaimo	Parksville	Qualicum Beach
2002	36	0	0
2003	47	0	2
2004	46	1	5

2004 data is as of September 1st, 2004

At the RDN staff advises the public of their option to apply to either the BOV or the Regional District Board. The BOV for the RDN received 30 applications for minor variances in 2002. Approval was granted to 24 appeals, 4 appeals were denied, and 2 appeals were withdrawn. In 2003 the BOV received 30 applications for minor variances. Approval was granted to 27 appeals, and 3 appeals were denied. From January through September of 2004, the BOV received 26 applications for minor variances. Approval has been granted to all of these appeals.

### **BOV / RDN Relationship**

The RDN Board and the BOV have overlapping jurisdiction in a number of areas, with both bodies having independent authority to vary certain bylaw requirements. Applicants are free to choose whether they make application to the RDN Board for a development variance permit, or the BOV for a "minor variance" where there is "undue hardship." Regional District staff should stay clear of advising potential applicants regarding which body to make application, based upon RDN opinion of whether a variance is minor, or whether there is undue hardship.

Staff should inform potential applicants of the criterion they are required to meet in order to be successful at the BOV. The applicable criterion an applicant must demonstrate to the satisfaction of the BOV can be divided into two categories, one objective and one subjective. The objective criterion is:

- a variance may not be in conflict with a Section 219 Covenant registered on title;
- a variance may not be in conflict with Section 27 of the *Heritage Conservation Act*;
- a variance may not deal with a matter covered in a land use contract;
- a variance may not deal with a matter covered in a development permit or temporary use permit
- a variance may not deal with a designated flood plain.

The subjective criterion are:

- a variance must be considered "minor";
- complying with the regulation must cause "undue hardship";
- use and density can not be varied;
- the variance shall not result in the inappropriate development of the site;
- the variance shall not adversely affect the natural environment;
- the variance shall not substantially affect the use and enjoyment of adjacent land; and
- the variance shall not defeat the intent of the bylaw.

### **Recommended Policy**

If a BOV is not stringently applying the above criterion it may be approving applications that have impacts and implications that are intended to be dealt with, and are more appropriately dealt with, by the elected local government Board or Council. Given the autonomy of the BOV and the finality of their decisions, it is incumbent upon them to be rigorous in their application of the above criterion.

In order to aid the BOV in executing their responsibilities it is an option for the RDN to adopt policy that outlines the RDN's opinion on BOV applications for consideration by the BOV. Also, RDN staff may provide a report to the BOV providing opinions and information on specific applications. The Regional District, as a stakeholder, with an interest in the decisions made by the BOV, has the right to provide information and comment to the BOV for its consideration.

The RDN adopts, and implements the bylaws being considered for variance by the BOV; therefore, the RDN is keenly aware of the intent of these bylaws. The RDN has considerable expertise and knowledge regarding the potential impact of variances to the site, the natural environment, and adjacent property. Also, the RDN often has information regarding the history and circumstances associated with an

application that may be applicable to determination of "undue hardship". This information can be critical in appropriately evaluating the nature of a variance and the hardship involved, and the impact of the approval of a variance. The BOV may, or may not, at its discretion consider recommendations or information provided by the RDN in evaluation an application. The BOV is required to consider each application on its own merits, and is required to not decide on an application based solely on the local government guidelines or opinion; however, it is appropriate for the BOV to consider any input provided by the RDN.

In order to aid the BOV in executing their responsibilities it is an option for the RDN to adopt policy that outlines the RDN's opinion on BOV applications for consideration by the BOV. Also, RDN staff may provide a report to the BOV providing opinions and information on specific applications. The Regional District, as a stakeholder, with an interest in the decisions made by the BOV, has the right to provide information and comment to the BOV for its consideration.

The Policy attached as Schedule 1 is intended to respectfully provide the opinion of the RDN Board to the BOV. The RDN Board would be recommending that the BOV consider the policy when considering variances to RDN bylaws.

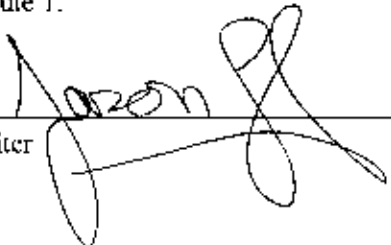
### SUMMARY/CONCLUSIONS

The RDN Board and the BOV have overlapping jurisdiction with regards to their ability to vary land use and subdivision bylaws. Both bodies have independent authority within their areas of jurisdiction and applicants are free to choose whether they make application to the RDN Board or the BOV. The BOV has certain limitations on their jurisdiction which they must evaluate in the course of undertaking their duties. This report clarifies the relationship between the RDN and the BOV, and proposes a policy that provides RDN comments and opinion for consideration by the BOV. The policy also clarifies the opportunity for the BOV to request information and opinion from RDN staff on certain issues in order to allow them to better evaluate applications.

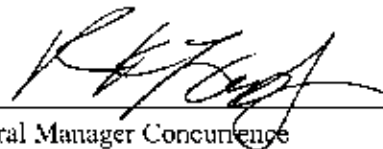
### RECOMMENDATIONS

1. That the staff report on a Board of Variance Policy be received for information.
2. That the Board approve, by resolution, the Board of Variance Policy attached to this report as Schedule 1.

Report Writer



General Manager Concurrence



ACAO Concurrence



COMMENTS:

Schedule 1

**REGIONAL DISTRICT OF NANAIMO**  
**P O L I C Y**

SUBJECT:	<i><b>RDN Board of Variance: Opportunities for staff support, RDN recommendations and comments</b></i>	POLICY NO:	
		CROSS REF.:	
EFFECTIVE DATE:		APPROVED BY:	
REVISION DATE:		PAGE	1 OF 5

**PURPOSE**

**1. Scope**

This document has the following two purposes:

- a. To provide the opinion of the Regional District of Nanaimo to the Board of Variance for consideration by the Board of Variance when considering application.
- b. To provide direction to Regional District of Nanaimo staff regarding the provision of further information to the Board of Variance for its consideration when considering applications.

**2. General Guidelines for Board of Variance Considerations.**

- a. The Regional District of Nanaimo recommends that variances to the height restrictions in their land use bylaws that would allow an additional storey to be constructed on a single family dwelling or accessory building in a residential zone would in most cases defeat the intent of the bylaw, and should not be supported by the Board of Variance, except under exceptional circumstances.
- b. The Regional District of Nanaimo recommends that variances that exceed 40% of the Bylaw requirement are in most cases not minor, and should not be supported by the Board of Variance, except under exceptional circumstances.
- c. The Regional District of Nanaimo recommends that variances related to development that must be approved through the development permit process should be evaluated through the development permit process and should not be supported by the Board of Variance, except under exceptional circumstances.

**3. Comment on Specific Applications from Regional District of Nanaimo staff.**

a. Where a proposed variance does the following:

1. allows an additional storey to be constructed on a single family dwelling or accessory building in a residential zone;
2. exceeds 40% of the Bylaw requirement; or
3. relates to development that must be approved through the development permit process;

The Board of Variance may request that Regional District of Nanaimo staff provide comment for its consideration on the following issues:

1. the intent of the bylaw being varied;
2. the potential for inappropriate development of the site;
3. the affect on the natural environment;
4. the affect on the use and enjoyment of adjacent land;

b. Where a variance relates to:

1. a bylaw infraction that is the subject of enforcement action by the Regional District of Nanaimo; or
2. a variance that was refused by the Regional District of Nanaimo Board;

The Board of Variance may refuse the request or request that Regional District of Nanaimo staff provide comment for its consideration.

- c. The Board of Variance may request that Regional District of Nanaimo staff provide comment for its consideration where a requested variance may have the possibility of impacting the use or density of development on the lands.
- d. Where, when brought to the attention of Regional District of Nanaimo staff, there is a concern or new information obtained with respect to a variance, they may, at their discretion, provide relevant comment to the Board of Variance for its consideration.





REGIONAL DISTRICT OF NANAIMO			
OCT - 1 2004			
CHAIR		GMCrs	
CAO		GMOS	
COMM		GMES	

MEMORANDUM

TO: Stan Schopp  
 Manager, Building Inspection Services

FROM: Allan Dick  
 Senior Building Inspector

DATE: September 30, 2004

FILE: 3810-20

SUBJECT: Section 57 of the Community Charter - Contravention of Bylaw Meeting Date - October 12, 2004

PURPOSE

To provide for the Committee's review, proposed Section 57 filings on properties which have outstanding occupancy or safety issues that contravene Building Bylaw No. 1250.

BACKGROUND

The individual area inspectors have worked closely with the property owners to resolve outstanding issues prior to the sending of letters. A minimum of two letters addressing deficiencies has been sent to the registered property owners. Where required, the Manager and/or the Senior Building Inspector have been involved with proposed resolutions. At this time we are unable to approve construction at the indicated addresses.

SUMMARY OF INDIVIDUAL INFRACTIONS

Electoral Area E

- 1. Owners Name: Peter and Kathleen Kuidumae  
 Legal Description: Lot 15, District Lot 78, Plan 14212, Nanoose District  
 Street Address: 2993 Dolphin Drive

Summary of Infraction:

June 20, 2004 -- Parks department asked by owner to access park to repair collapsing retaining wall  
 June 23, 2004 - Owner referred to building department for permit on wall  
 June 28, 2004 - Building Inspection Manager notes large two storey addition on rear of house and failing retaining wall appears to be partially on subject property but may encroach into park  
 June 30, 2004 - survey confirms retaining wall partially in park and partially on owners land. A file review confirms no building permits were issued for the retaining wall or large two storey addition on the rear of the dwelling.  
 July 23, 2004 - Property owner understands as built construction or home will need to be certified by an architect or profession engineer. Owner is unable to do at present time as resolving retaining wall issue is a priority.  
 September 3, 2004 - Owner has agreed to a meeting with RDN staff on September 18, 2004 to resolve retaining wall issue and further discuss building bylaw contravention of addition.

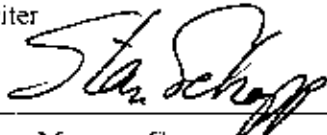
**RECOMMENDATION**

That a notice be filed against the titles of the properties listed, pursuant to Section 57 of the *Community Charter* and that if the infractions are not rectified within ninety (90) days, legal action will be pursued.



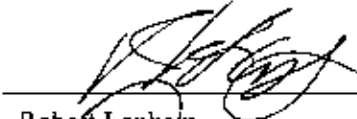
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Allan Dick, Senior Inspector  
Report Writer



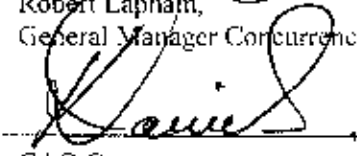
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Stan Schopp, Manager Concurrence



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Robert Lapham,  
General Manager Concurrence



---

CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO	
OCT - 1 2004	
CHAIR	GIS/Crs
CAO	GMDS
CLERK	SAES
Call ✓	

**MEMORANDUM**

**TO:** Robert Lapham  
General Manager, Development Services

**DATE:** October 1, 2004

**FROM:** Juni M. Thomas  
Protective Services Coordinator

**FILE:** 7130-08

**SUBJECT:** Inclusion of the District of Lantzville - Emergency Management Agreement

**PURPOSE**

To consider a request from the District of Lantzville (The District) to become a party to the Emergency Management Agreement (EMA), signed May 2001 between the Regional District of Nanaimo, the Cities of Parksville and Nanaimo and the Town of Qualicum Beach.

**BACKGROUND**

Letters were sent July 15, 2004 from T.L. (Twyla) Johnson, the District Deputy Corporate Administrator, to the Cities of Parksville and Nanaimo and the Town of Qualicum Beach, requesting to join the EMA.

On July 26 2004 the City of Parksville responded with a letter of support from Shirley E. Hinc, CMC, and Director of Administrative Services. (see Attachment 1) On August 04 2004, a similar letter of was received from S.J (Sandra) Keddy, Corporate Administrator, Town of Qualicum Beach. (see Attachment 2) Fire Chief Ron Lambert, of the City of Nanaimo sent a letter September 22 2004 advising that their Council had approved the inclusion of Lantzville into the EMA. (see Attachment 3)

As a party to the agreement the RDN also needs to consider endorsing the request from the District to be included in the EMA.

**ALTERNATIVES**

1. That the RDN endorse the inclusion of the District of Lantzville into the existing EMA.
2. That the RDN not endorse the inclusion of the District.

**FINANCIAL IMPLICATIONS**

All financial and jurisdictional responsibilities are detailed in the current EMA. (see Attachment 4)

**VOTING**

All Directors – one vote each.


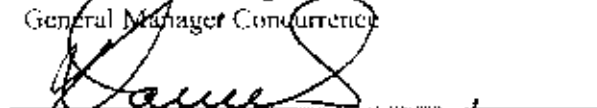
**SUMMARY/CONCLUSIONS**

Previous to the District's request to join the EMA, the RDN provided Emergency Preparedness service to the area. Including the District at this time would not substantially change the dynamics of operational application of the EMA but will ensure an effective coordinated emergency response for the entire region.

**RECOMMENDATIONS**

1. That the request by the District of Lantzville to be included in the existing Emergency Management Agreement between the Regional District of Nanaimo, City of Nanaimo, City of Parksville and Town of Qualicum Beach be supported and the revision to the Agreement be endorsed.

  
Jan M. Thomas, Report Writer

  
General Manager Concurrence  
  
CAO Concurrence

COMMENTS:

Attachment 1



City of PARKSVILLE

500 Powell Street, 1100 E. Esplanade, Parksville, BC V9P 2Y1  
Telephone: (250) 241-4111 Fax: (250) 241-4114  
http://www.parkville.ca

COPY



July 26, 2004

District of Lantzville  
P.O. Box 100  
Lantzville, BC V0R 2H0

Attention: T. L. [Twyla] Johnson, Deputy Corporate Administrator.

Dear Twyla Johnson:

Re: Emergency Management Agreement

Your July 15, 2004 correspondence requesting the City of Parksville consider permitting the District to become a party to the Emergency Management Agreement is acknowledged.

Please be advised the City does support the inclusion of the District of Lantzville in this agreement and by copy of this letter will advise the participating members of our support.

Yours very truly,

~~Original~~  
signed by  
**Director of Administrative Services**  
SHEILEY E. HINE, CMC  
Director of Administrative Services

:dm

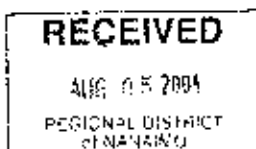
p.c. Bob Lapham  
General Manager Development Services  
Regional District of Nanaimo  
6390 Hammond Bay Road  
Nanaimo, BC V9T 6N2

Jim Bowden  
Senior Manager of Corporate Administration  
City of Nanaimo  
455 Wallace Street  
Nanaimo, BC V9R 5J6

Sandra Keddy  
Corporate Administrator  
Town of Qualicum Beach  
P.O. Box 130  
Qualicum Beach, BC V9K 1S7

Doug Banks  
Emergency Program Coordinator  
City of Parksville

Attachment 2



**TOWN OF QUALICUM BEACH**

291-6905 Highway 1  
PO Box 100  
Qualicum Beach, BC  
V9R 1S7

Telephone: (250) 727-6991  
Fax: (250) 727-1245  
E-mail: [info@qualicumbc.ca](mailto:info@qualicumbc.ca)  
Website: [www.qualicumbc.ca](http://www.qualicumbc.ca)

August 4, 2004

District of Lantzville  
PO Box 100  
Lantzville, BC  
V0R 2H0

COPY

**ATTENTION: Twyla Johnson, Deputy Corporate Administrator**

Dear Ms. Johnson

**Re: Emergency Management Agreement**

Thank you for your correspondence of July 15, 2004 regarding the aforementioned.

Please consider this correspondence as the Town's support of your request in becoming party to the aforementioned agreement between the Regional District of Nanaimo, the City of Nanaimo, the City of Parksville and the Town of Qualicum Beach

Yours truly

**S.J. (Sandra) Keddy**  
Corporate Administrator  
Town of Qualicum Beach

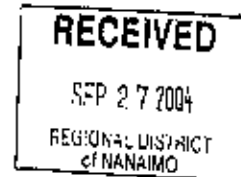
File: 2004/04/emergmgnt/agree sp  
File: 7130-01

C. City: **Bob Kishner, General Manager/Development Services**  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

Jim Bowden, Senior Manager of Corporate Administration  
City of Nanaimo  
455 Walsby Street,  
Nanaimo, BC V9R 5J8

Shirley Mire, Director of Administrative Services  
City of Parksville  
PO Box 1290, 100 East Jensen Avenue  
Parksville, BC V9P 2H0

Attachment 3



2004-SEP-22

T.L. (Twyla) Johnson  
Deputy Corporate Administrator  
District of Lantzville  
7192 Lantzville Road,  
PO Box 100  
Lantzville, BC  
V0R 2H0

Dear Ms. Johnson:

**RE: Emergency Management Agreement**

Thank you for your letter and request for the District of Lantzville to become party to the Emergency Management Agreement established between the Regional District of Nanaimo, the City of Nanaimo, the City of Parksville and the Town of Qualicum Beach.

I am pleased to advise you that Council has approved your request. Once the agreement has been modified, I would be pleased to coordinate the City of Nanaimo signatures.

We look forward to discussing the establishment of Emergency Coordination Centres and other related operational aspects at your earliest convenience.

Yours truly,

Ron Lambert  
Fire Chief

Pc Jim Bowden, Senior Manager of Corporate Administration  
Bob Latham, General Manager Development Services, RDN  
Shirley Hine, Director, Administrative Services, Parksville  
Sandra Kelly, Corporate Administrator, Qualicum Beach

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**Attachment 4**

THIS AGREEMENT made the 21<sup>st</sup> day of May, 2001.

BETWEEN: REGIONAL DISTRICT OF NANAIMO  
P.O. Box 40  
6300 Hammond Bay Road  
Lantzville, BC  
V0R 2H0

AND: CITY OF NANAIMO  
455 Wallace Street  
Nanaimo, B.C.  
V9R 5J6

AND: CITY OF PARKSVILLE  
194 Memorial Avenue  
Parksville, B.C.  
V9P 2H3

AND: TOWN OF QUALICUM BEACH  
201-660 Primrose Street,  
Qualicum Beach, B.C.  
V9K 1S7

(hereinafter called "the parties")

**NOW THIS AGREEMENT WITNESSETH:**

WHEREAS, it is desirable that the resources and facilities of the parties, their various departments and agencies, and all its other public agencies be made mutually available to prevent and combat the effects of emergencies and disasters and,

WHEREAS, *Nanaimo Regional District Regulation, B.C. Reg. 194/91*, enacted under the *Local Government Act*, grants to the Regional District of Nanaimo the additional power to provide emergency programs as an extended service under the *Emergency Program Act*.

WHEREAS, Pursuant to the *Local Government Act* and the *Local Authority Emergency Management Regulation, B.C. Reg. 380/95*, enacted under the *Emergency Program Act*, a local authority may enter into a Mutual Aid Agreement with one or more local authorities for emergency resources of all types and subsequent cost recovery.

WHEREAS, it is necessary and desirable that an Emergency Management Agreement be executed for the interchange of such mutually beneficial assistance, and for the potential of complete integration of emergency services.



NOW, THEREFORE, it is hereby agreed by and between each and all of the parties hereto as follows:

## 1. Interpretation

In this Agreement:

**“Disaster”** means a calamity that

- (a) is caused by accident, fire, explosion or technical failure or by the forces of nature, and
- (b) has resulted in serious harm to the health, safety or welfare of people or in widespread damage to property;

**“Emergency”** means a present or imminent event that

- (a) is caused by accident, fire, explosion or technical failure or by the forces of nature, and
- (b) requires prompt coordination of action or special regulation of persons or property to protect the health, safety or welfare of people or to limit damage to property;

**“Local Authority”** means

- (a) for a municipality, the municipal council;
- (b) for an electoral area in a regional district, the board of the regional district, if the regional district has been granted the powers of a municipality under section 800(2)(a) of the *Local Government Act*;

**“Providing Party”** means a party receiving a request for assistance under this Agreement;

**“Requesting Party”** means a party requesting assistance under this Agreement;

**“Resources”** means employees of the Providing Party, members of any volunteer Emergency Program of the Providing Party and equipment, supplies and other property owned by the Providing Party.

**“Senior Elected Representative”** means the Chairperson of the Regional District of Nanaimo or in their absence, the Deputy Chairperson or designate; the Mayors of the City of Nanaimo, the Town of Qualicum Beach, and/or the City of Parksville, or in their absence, the Deputy Mayor or their designate.

## 2. Services

- (a) The parties agree to be bound by and conduct themselves in accordance with the procedures and obligations set out in Schedule “A” and Schedule “B” of this Agreement.
- (b) Each party to this Agreement shall provide for the effective mobilization and utilization of its resources to respond to major emergencies and/or disasters. The attached “EOC Operational Procedures” (Schedule “A”) outlines where and under what circumstances Emergency Operation Centre(s) will be located within the boundaries of the Regional District of Nanaimo, including the municipalities of Nanaimo, Parksville and Qualicum Beach, and the command structure that will be implemented to operate the Centre(s).

- (c) Each of the parties to this Agreement are committed to ensuring that the use of personnel, equipment and supplies, and other emergency response resources and capabilities are directed toward achieving a common goal; to maximize the efficiency of coordinated planning and response to, and recovery from major emergencies and disasters within the region.
- (d) Whenever any party is in need of assistance to combat an emergency or disaster, it may request assistance from one or more of the parties and the party or parties receiving the request shall, subject to the conditions hereinafter set forth, provide the assistance requested.
- (e) Requests for assistance shall be made by the Senior elected representative of the Requesting Party and shall be made to the Senior elected representative of the Providing Party.
- (f) All parties understand that these resources may be deployed outside their own jurisdiction. The extent of the assistance given will be at the discretion of the Providing Party having due regard for its own need for the resources at the time of the request. The Providing Party shall have the primary interest of protecting the welfare of their own jurisdiction and does not assume any responsibilities or liabilities by not providing resources as laid out in this Agreement.
- (g) The Providing Party retains the right to recall resources back into their own jurisdiction should the need to combat an emergency or disaster arise.
- (h) It is hereby understood that the Emergency Management Agreement entered into hereunder shall not supplant pre-existing Mutual Aid Agreements nor deny the right of any party hereto to negotiate supplemental Mutual Aid Agreements.
- (i) Assistance extended pursuant to this agreement shall be provided in accordance with current governing legislation, the *British Columbia Emergency Program Act (1996)*, and the standard agreed to by the parties.
- (j) The Requesting Party will assume direction and control over resources provided under this Agreement as soon as the resources arrive in the Requesting Party.

### **3. Term**

The Agreement will be in effect during the period (hereinafter called the "Term") commencing on \_\_\_\_\_, 2001 and ending on \_\_\_\_\_, 2006.

### **4. Cost Sharing of Resources**

The parties shall be entitled to receive, and shall be required to make, compensation and payments in accordance with Schedule "B" to this agreement.

### **5. Claims**

Claims for compensation by owners of real or personal property for damage or injury suffered in a disaster should be processed, either individually or jointly through the existing "Compensation and Disaster Financial Assistance Regulation" of the *Emergency Program Act*.

The Provincial Emergency Program "*Eligible Expenditures List and Supporting Documentation Requirements for Local Government Response/Recovery Costs*" will also be utilized as a guideline.

## **6. Independent Jurisdiction**

- (a) Any and all agents, servants or employees of each of the parties or other persons, while engaged in the performance of any work or services required to be performed by the parties under this Agreement shall not be considered employees of any other party and a party shall not be responsible for any act or omission of any person other than one of its own agents, servants, or employees, except as provided in this agreement.
- (b) Each of the parties to this Agreement will retain decision-making authority within their own jurisdiction. All parties will ensure that decisions involving multiple jurisdictions are made in consultation with the authorities involved.
- (c) Each of the parties to this Agreement are responsible for declaring their own "State of Local Emergency" as per the *Emergency Program Act*, should it be deemed necessary. The other parties are to be notified as soon as possible, should this occur.

## **7. Indemnity**

Despite Section 6(a), where a Providing Party supplies resources to a Requesting Party pursuant to this Agreement, the Requesting Party shall indemnify and save harmless the Providing Party from any and all claims, causes of actions, suits and demands whatsoever arising out of the assistance rendered by the Providing Party, its servants, employees or agents, the failure to respond to a request for assistance pursuant to this Agreement, the failure to render adequate assistance, or any other reason.

## **8. Insurance**

All parties to this Agreement agree to maintain insurance and liability coverage, in a minimum amount of two million dollars, on any and all chattels and equipment owned by the party and utilized to meet the provisions of this Agreement.

## **9. Waivers**

The failure at any time of any party to enforce any of the provisions of this Agreement or to require at any time performance by the other parties of any such provision shall not constitute or be construed to constitute a waiver of such provision, nor in any way to affect the validity of this Agreement or any parts thereof, or the right of any party thereafter to enforce each and every provision of this Agreement.

## **10. Modification**

No waiver, modification or amendment of any of the provisions of this Agreement shall be binding unless it is in writing and signed by the duly authorized representatives of all parties.

## **11. Termination**

Notwithstanding any other provision of this Agreement:

- (a) If any party fails to comply with any provision of this Agreement, then, and in addition to any other remedy or remedies available a party may, at its option, terminate this Agreement by giving written notice of termination to all other parties.

- (b) Any party may terminate its participation in this Agreement at any time, without cause, by giving all other parties at least seven (7) days notice of such termination.

If either such option is exercised by a party (“the terminating party”), the terminating party will be under no further obligation to the other parties except to pay the parties such amount as the parties may be entitled to receive for services properly performed and provided to the date notice is given to the parties less any amounts necessary to compensate the terminating party for damages or costs incurred by the terminating party arising from another party’s default.

## **12. Assignment**

No assignment of this Agreement shall be made by the parties without the written consent of all the parties. The parties’ consent to assign will not release or relieve the parties from their obligations to perform all the terms, covenants and conditions that this Agreement requires the parties to perform.

## **13. Communication**

- (a) An appointed Information Officer, or delegate, of the respective participants will speak on behalf of their own jurisdiction. Information Officers will;
  - (i) either speak jointly about the existing situation, or,
  - (ii) represent their own jurisdiction, or,
  - (iii) delegate the authority to a mutually agreed upon Public Information Officer to represent the group and speak on the situation as a whole.
- (b) Mayors, Council and/or Board members will be kept informed by the EOC Director on a regular basis. They will be consulted regarding policy-related issues as required.
- (c) All communications will be directed through the EOC Director to the Incident Commander(s) at the Site Level, the policy group, other EOC’s (if activated), and the Provincial Regional Level. All communications to the Provincial Level will be directed through the Provincial Regional Level.
- (d) All parties to the Agreement will meet at least annually to discuss, review and test the effectiveness of the agreement by participating in an annual exercise.

## **14. Dispute Resolution**

Any and all claims arising in and out of the implementation of this agreement will not be brought forward until the response phase of the emergency or disaster is over.

All parties to the Agreement will mutually resolve any issue(s) arising out of the implementation of this Agreement. An external mediator may be brought in to assist in the resolution of any outstanding issues, if required.



## SCHEDULE "A"

### EOC OPERATIONAL PROCEDURES

The parties mutually agree to the following EOC Operational Procedures as outlined below:

#### 1. Operations

The main purpose for establishing a Regional EOC is to standardize EOC operational procedures between the participating jurisdictions, and to become more cost effective and efficient by sharing resources.

The Regional EOC concept can be utilized when one or more of the participating jurisdictions are affected by an emergency or disaster. The primary site for the Regional EOC will be determined according to the location, type and scale of the emergency or disaster.

#### BCERMS and the Use of ICS

Unless otherwise agreed to by the parties the British Columbia Emergency Response Management System (BCERMS) is the comprehensive management standard that will be used as a model for emergency management personnel involved in this agreement. BCERMS has been developed to ensure a coordinated and organized response all emergency incidents. The four operational levels of BCERMS are; Site Level, Site Support (normally through an Emergency Operations Centre (EOC), Provincial Regional Coordination Level (normally through a Provincial Regional Operations Centre (PROC), and Provincial Central Coordination Level (normally through a Provincial Operations Centre (POC).

The Incident Command System (ICS) is the emergency management system to be used by all parties to this agreement. ICS is a modular management system that expands or contracts as the incident escalates or de-escalates.

#### Establishing a Unified Command

Unified Command is an aspect of ICS. Unified Command may be established when there is more than one agency involved, thereby necessitating the development of a common set of response strategies, objectives and tactical decisions without losing or abdicating agency authority, responsibility or accountability. Under Unified Command there would be one Incident Commander from each of the agencies involved, and one single spokesperson speaking on behalf of the incident team (selected by I.C.'s by consensus).

#### Command Post

A command post is the location at the scene of an emergency where the Incident Commander(s) and Incident Management Team are located for the purpose of incident coordination and

communications. This may be a command vehicle or facility. There would be one Command Post per Incident Site.

## Definitions

### Levels of Operational Response:

Level 1 - Site Response (Readiness and Routine) - *All ongoing routine response activities by Emergency Services Personnel (Police, Ambulance, Fire) on a daily basis.*

Level 2 - Site Support or Local EOC Response (Local Emergency) - *A situation confined to one location/jurisdiction that does not affect zone-wide services, population or traffic.*

Level 3 - Regional EOC Response - (Regional Emergency) - *A situation affecting multiple-jurisdiction services, populations and geographical areas.*

Level 4 - PREEOC Response, Regional EOC - (Major Disaster) - *A region-wide disaster that involves widespread damages in addition to the disruption of services. A "Provincial Regional Operations Centre" will be activated and the Attorney General may declare a "state of Emergency".*

Level 5 - PECC Response - (Major Disaster) - *A region-wide disaster that involves widespread damages in addition to the disruption of services, requiring additional support and resources from Federal Government and/or other Provinces. A "Provincial Operations Centre" will be activated and the Attorney General may declare a "state of Emergency".*

Sector Definitions - The border between the Regional District of Nanaimo North and South Sectors is defined as the School District 68 & 69 border:

Regional District of Nanaimo South Sector - *Includes the following areas; City of Nanaimo, Regional District of Nanaimo Electoral Areas "A" (Cassidy, Cedar, Yellowpoint, S. Wellington), "B" (Gabriola, DeCourcy, Mudge Islands), "C" (Extension, Arrowsmith-Benson), "D" (Lantzville, F. Wellington, Pleasant Valley)*

Regional District of Nanaimo North Sector - *Includes the following areas; City of Parksville, Town of Qualicum Beach, Regional District of Nanaimo Electoral Areas "E" (Nanoose Bay), "F" (Coombs, Hilliers, Errington), "G" (French Creek, Dashwood, Englishman River), "H" (Shaw Hill, Qualicum Bay, Deep Bay, Bowser)*

EOC Director (Municipal or Regional) - is the designated EOC Director of the area most affected by the emergency or disaster, unless otherwise specified, or mutually agreed upon by all parties to this agreement affected by the situation.

## EOC Locations

### Site Level (Level 1 Emergency)

An EOC would not normally be established at this level.

### Regional District of Nanaimo or Municipal EOC's (Level 2 Emergency)

An Regional District of Nanaimo or Municipal EOC may be activated under the following Level 2 Emergency Conditions:

- (a) Localized Municipal Emergency -- North Sector (involving only the City of Parksville or the Town of Qualicum Beach.)

The existing facilities at the Parksville City Hall Council Chambers or at the Qualicum Beach Town Hall may be utilized to establish a Municipal EOC should the need arise in each of these respective communities. The two Municipalities would provide alternate EOC locations for each other should the need arise. The request to set up, or move the EOC to the alternate location would come from the Municipal EOC Director. The EOC would be jointly and cooperatively set-up and the designated EOC Director of the Municipality most affected would assume command of the EOC.

- (b) Localized Municipal Emergency -- South Sector (involving only the City of Nanaimo.)

The existing facilities at the Nanaimo Fire Rescue, # 1 Fire Hall will be utilized to establish a Municipal EOC should the need arise. The EOC located in the Regional District of Nanaimo Administration Building will function as an alternate location should the need arise. The request to set up, or move the EOC to the alternate location would come from the Municipal EOC Director. The EOC would be jointly and cooperatively set-up and the designated EOC Director of the City of Nanaimo would assume command of the EOC.

- (c) Localized Regional District Emergency -- North Sector (involving Electoral Areas F, E, G, H of the Regional District of Nanaimo only)

The existing facilities at the Regional District of Nanaimo Administration Building would be utilized to establish a Regional EOC should the need arise to assist any one of these electoral areas. The Parksville City Hall Council Chambers or the Qualicum Beach Town Hall would serve as alternate EOC locations should the need arise. The request to set up, or move the EOC to the alternate location would come from the Regional District of Nanaimo EOC Director. The EOC would be jointly and cooperatively set-up and the designated EOC Director of the Regional District of Nanaimo would assume command of the EOC.

- (d) Localized Regional District Emergency -- South Sector (involving Electoral Areas A, B, C, D of the Regional District of Nanaimo only)

The existing facilities at the Regional District of Nanaimo Administration Building would be utilized to establish a Regional EOC should the need arise to assist any one of these electoral areas. The Nanaimo Fire Rescue, # 1 Fire Hall would serve as an alternate EOC location should the need arise. The request to set up, or move the EOC to the alternate location



would come from the Regional District of Nanaimo EOC Director. The EOC would be jointly and cooperatively set-up and the designated EOC Director of the Regional District of Nanaimo would assume command of the EOC.

Regional EOC (Level 3 Emergency)

A Regional EOC will be activated under one of the following Level 3 Emergency Conditions:

(a) Regional Emergency (involving the Regional District of Nanaimo North Sector)

The EOC Director would decide which of the following locations would be most appropriate to setup the EOC: the Regional District of Nanaimo Administration Building, the Parksville City Hall, Council Chambers, the Qualicum Beach Town Hall, or other facility if deemed necessary. The EOC would then be jointly and cooperatively set-up and the EOC Director would assume command of the EOC.

(b) Regional Emergency (involving the Regional District of Nanaimo South Sector)

The EOC Director would decide which of the following locations would be most appropriate to setup the EOC: the Regional District of Nanaimo Administration Building, the Nanaimo Fire Rescue, # 1 Fire Hall, or other facility if deemed necessary. The EOC would then be jointly and cooperatively set-up and the EOC Director would assume command of the EOC.

(c) Region-wide Emergency (involving portions of, or the entire Regional District of Nanaimo North & South Sectors)

Should the need arise to have one combined EOC when both the North and South Sectors are affected, the location of the EOC would be determined by the EOC Director. The EOC could be set up in either of the following locations, the Regional District of Nanaimo Administration Building, the Nanaimo Fire Rescue, # 1 Fire Hall, the Parksville City Hall Council Chambers, the Qualicum Beach Town Hall, or other facility if deemed necessary. The EOC would then be jointly and cooperatively set-up and the EOC Director would assume command of the EOC.

Provincial Regional Emergency Coordination Level (Level 4 Emergency)

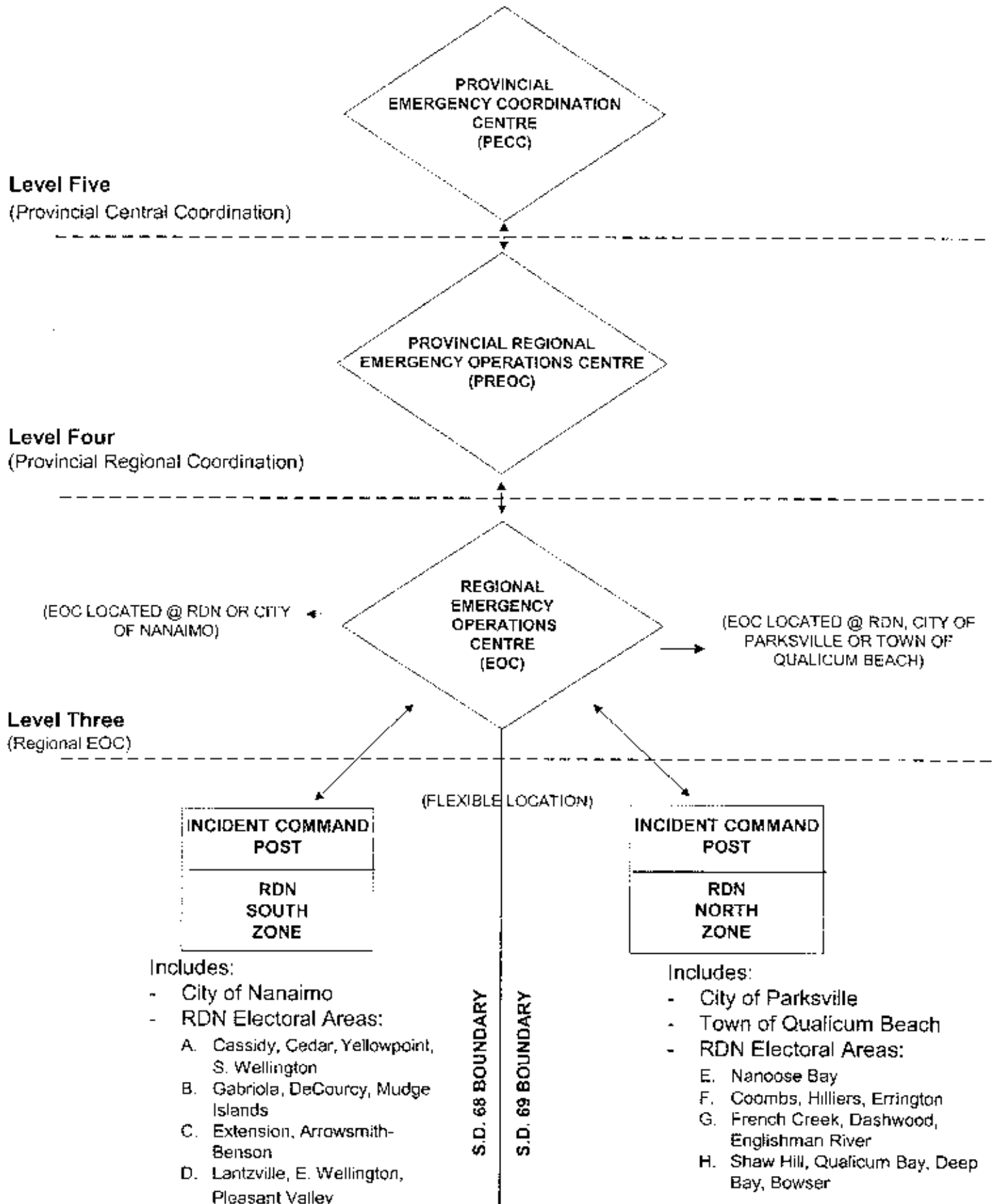
At this time, a location has not been pre-designated. Provincial Regional Emergency Operations Centre (PREOC) location would be designated by Provincial Emergency Program (PEP) officials immediately prior to activation and the location communicated to all other levels of operation.

The PREOC would be activated by PEP at the request of the Regional EOC Director. This level would provide support to the existing Regional EOC.

Provincial Emergency Coordination Centre Level (Level 5 Emergency)

At this time, a location has not been pre-designated. Provincial Emergency Coordination Centre (PECC) location would be designated immediately prior to activation and the location communicated to all other levels of operation.

# REGIONAL OPERATIONS CENTRE STRUCTURE



## SCHEDULE "B"

### COST SHARING OF RESOURCES

The parties agree to the following Cost Sharing Principles as outlined below:

1. The Providing Party shall be responsible for any costs incurred in connection with the gathering, movement and deployment of resources to the Requesting Party.
2. A Requesting Party shall pay to the Providing Party:
  - (a) Salaries, wages and other employment expenses of employees or members of volunteer emergency programs, if such volunteers are entitled to compensation under their arrangements with the Providing Party for the time spent by such persons combating the (emergency or disaster) in the Requesting Party.
  - (b) Market value of supplies, as set by the Provincial Emergency Program, provisions or other property, which is consumed or otherwise not returnable to the Providing Party.
3. Following the cessation of the emergency or disaster, the Providing Party shall submit a bill to the Requesting Party for payment pursuant to Paragraph 2 and the Requesting Party shall make payment within thirty (30 days) of receipt.
4. The Requesting Party shall be responsible for the operating costs of equipment provided, including repair costs while in its possession, but shall not be required to pay rent or any other charge to the Providing Party for the use of the equipment.
5. Equipment provided to a Requesting Party shall be returned in the same working condition as when it was accepted as soon as it is no longer needed to combat the emergency or disaster; equipment shall be deemed to be provided in good working order unless otherwise noted by the Requesting Party at the time of acceptance.
6. Each Party hereto shall within three months of the date of this Agreement compile a list of major equipment resources and distribute a copy of the list to each other party. Each party shall revise the list by not later than the first anniversary of this Agreement and every year after for the duration of the Agreement. Each party shall distribute a copy of each revised list to each other party.



REGIONAL DISTRICT OF NANAIMO			
OCT - 1 2004			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	

MEMORANDUM

TO: John Finnic, P. Eng. DATE: September 21, 2004  
 General Manager of Environmental Services

FROM: Wayne Moorman, P.Eng. FILE: 5500-20-PS-01  
 Manager of Engineering Services

SUBJECT: **Utilities**  
**Capital Charge**  
**Lot 8, DL 22, Nanoose Land District, Plan 10012**  
**(Nature Trust Land at 1520 Terrien Road)**

PURPOSE

To consider a request by the Nature Trust of British Columbia (NTBC) to exclude their property at 1520 Terrien Road from paying a Capital Charge of \$2,023 as required by "Northern Community Sewer Local Service Area Capital Charge Bylaw No. 1331, 2003".

BACKGROUND

The NTBC, owner of the subject property, petitioned the RDN to be included in the Pacific Shores Sewer Local Service Area (PSSLSA). The property is currently serviced by a septic tank and ground disposal system that is failing and rather than re-build the system they wish to connect to the existing sewer system that runs past the front of their property (along the Craig Bay foreshore). The petitioning process described the costs and conditions under which the property would be permitted to join the LSA. The correspondence was clear that the owner of the property, if included in the PSSLSA, was to pay a capital charge of \$2,023 to the RDN as per RDN Bylaw 1331.

A staff report on the inclusion of the subject property was presented to the COW in June 2004 and the Committee supported the inclusion. At the July Board Meeting the motion to support the application to include the property in the PSSLSA was approved and given first three readings and forwarded to the Ministry of Community, Aboriginal & Women's Services. CAWS subsequently approved the bylaws so the Board may now give fourth and final reading to the amending bylaws.

On July 7, 2004, the Vancouver Island Conservation Land Manager for NTBC requested that the RDN waive the Capital Charge amount of \$2,023 as per Bylaw 1331, advising that property at "1520 Terrien Road provides a public amenity of an 8 acre Nature Park bordering Craig Creek estuary and adjacent to a RDN community park upstream of Pacific Shores Resort. The Nature Trust is now actively involved in the securement and management of additional parcels along Craig Creek and the Englishman River and will be working closely with the RDN Parks staff to develop public access to these conservation properties. Relaxation of the RDN capital charge fee would allow us to put our limited funds towards developing proper access points, public parking, and signs for this property."

The RDN has established a service to construct and operate "major sewage facilities". From time to time properties outside existing sewer local service areas request inclusion into the service and hence require the services of our "major sewage facilities". These properties are not required to pay DCC's but the

RDN is entitled to impose a capital charge on new properties being added to a local service area. A capital charge ensures properties being added to a service area pay a contribution toward the capital value of the system. Bylaw 1331 was approved to ensure such payment into the "major sewage facilities".

#### **ALTERNATIVES**

1. Reduce or waive the Capital Charge as requested by The Nature Trust of British Columbia.
2. Do not waive the Capital Charge of \$2,023 required under Bylaw 1331.

#### **FINANCIAL IMPLICATIONS**

##### **Alternative 1**

Reducing or waiving the Capital Charge as requested will simply deny the service area the capital charge revenue. This is not a major financial loss to the service area but may set a precedent for others wishing to join the service. The property is owned by NTBC, a non profit organization working for the benefit of the citizens of the RDN and BC to secure property for environmental and wildlife protection. NTBC has indicated that waiving the capital charge would allow the funds to be used for improved access, parking and signage for the property.

##### **Alternative 2**

Bylaw 1331 was adopted so that properties being included into the "major sewage facilities" service area would pay a fair share towards the capital value of the system. Other properties already in the service area have been paying taxes for this benefit and it is not equitable for newcomers to utilize a sewer system with no charges associated with existing hardware. A charge of \$2,023 is a fair charge for joining the sewer system and utilizing the benefits of the existing sewage facilities.

#### **CITIZENS/PUBLIC RELATIONS IMPLICATIONS**

NTBC is a non profit organization working for the benefit of the citizens of the RDN and BC. Their mandate is to secure properties for environmental and wildlife protection for the benefit of future generations. NTBC has applied to bring their property into our Craig Bay Sewer Local Service area for environmental concerns (a failing septic system). Waiving the capital charge may set a precedent for further applications. On the other hand this property is owned and maintained by NTBC and as noted in their request to waive the fee the money could be alternatively spent on developing access points, public parking and signs for the property.

#### **SUMMARY/CONCLUSIONS**

The RDN has received an application to include the subject property at 1520 Terrien Road, owned by the Nature Trust of British Columbia, into the Pacific Shores Sewer Local Service Area. The RDN has given first three readings of the amending bylaws. CAWS has approved and returned the bylaws for fourth and final reading, and adoption. As a condition of joining the PSSLSA, Bylaw 1331 imposes a Capital Charge of \$2,023 which must be paid (or adjusted by Board motion) in order to approve the amending bylaws.

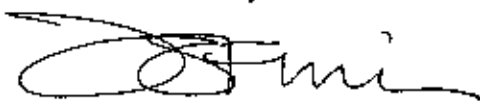
To date this capital charge has not been paid but NTBC has requested that the RDN waive the Capital Charge imposed by Bylaw 1331. NTBC advises that it is actively securing additional properties along Craig Creek and the funds would be better used for developing access points, public parking and signs for the property.

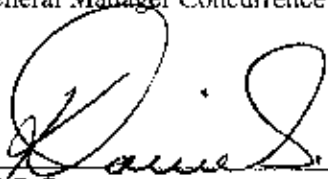
Since the Capital Charge is a bylaw requirement established by the Board, staff are not able to reduce or waive the charge; however the Board has the discretion to alter the bylaw requirement.

**RECOMMENDATION**

1. That the request by the Nature Trust of British Columbia to waive the Capital Charge of \$2,023 for the inclusion of property located at 1520 Terrien Road and legally described as Lot 8, DL 22, Nanoose Land District, Plan 10012, be denied.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO			
OCT - 1 2004			
CHAIR		GMCS	
CAO		GMDS	
GMCS		GMES	
			DATE: <i>Col D L</i>
			FILE:

MEMORANDUM

**TO:** Mike Donnelly, ASCT  
Manager of Utilities

**FROM:** Deb Churko, ASCT  
Engineering Technologist

**SUBJECT:** Utilities  
Inclusion into the French Creek Sewer Local Service Area and  
Northern Community Sewer Local Service Area, (Lundine Lane)

September 23, 2004

5500-20-FC-01

PURPOSE

To consider the request to include Lot 1, Plan 45808, and Lot 4, Plan 47170, both of District Lot 49, Nanoose Land District into the French Creek Sewer Local Service Area (see attached plan).

BACKGROUND

The owners of the above-noted properties have petitioned the RDN to include the subject properties into the French Creek Sewer Local Service Area (FCSLSA). The properties are designated as 'Urban Area' in the Regional Growth Strategy (RGS) Bylaw No. 1309, 2002 and 'Neighbourhood Residential' in the French Creek Official Community Plan (OCP) Bylaw No. 1115, 1998, and amendments hereto. In addition, the properties are located within the community sewer service area recognized in the French Creek OCP.

The policies in Section 6.4 of the French Creek OCP encourage the extension of sewer services to unserved neighbourhoods in urban areas, and support the provision of community sewer services to those lands located within the community sewer service area. Both the RGS and the French Creek OCP support the extension of sewer service to the subject parcels. From a land use planning perspective, Development Services has no objection to the boundary amendment required for this application.

The Northern Community Sewer Local Service Area Bylaw No. 889, 1998 requires amendment as well as the FCSLSA Bylaw No. 813, 1990 in order to service these properties with sewer. Both bylaw amendments are addressed in this report.

ALTERNATIVES

1. Do not accept the applications.
2. Accept the applications.

FINANCIAL IMPLICATIONS

There are no financial implications to the RDN. If accepted into the FCSLSA, all costs associated with the connections would be at the expense of the applicants. The subject properties will pay Capital Charges of \$556.00 for each potential subdividable lot allowed under the current zoning for contribution

to the downstream sanitary sewer, and \$2,023.00 per lot for contribution to the sewage treatment plant, when being brought into the local service area.

#### DEVELOPMENT IMPLICATIONS

The subject properties are zoned Residential 1 (RS1), pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" and are within the "Q" subdivision district. The "Q" subdivision district provides a minimum parcel size of 700 m<sup>2</sup> where the property is serviced with community water and sewer. Both of the subject properties are in excess of 4300 m<sup>2</sup> in size, and are serviced with community water from Breakwater Enterprises Ltd. Inclusion into the FCSLSA, and connection to sewer would potentially allow subdivision of these properties to occur. A sewer line and sewer stub are present at the end of Meadow Drive thereby making connection to the FCSLSA possible.

#### INTERDEPARTMENTAL IMPLICATIONS


Development Services has no objection to the boundary amendments required for this application. The subject properties are within the area designated for community sewers in the Regional Growth Strategy. The Environmental Services Liquid Waste Department notes that the proposed expansion of the sewer service area is within the French Creek Liquid Waste Treatment Plant's processing capacity.


#### SUMMARY/CONCLUSIONS

Petitions have been received to amend the boundaries of the French Creek Sewer Local Service Area and the Northern Community Sewer Local Service Area. The properties being considered for inclusion are within the Urban Containment Boundary of the Regional Growth Strategy, and are identified for connection to community water and sewer systems. The properties are also within the benefiting area of the French Creek Pollution Control Center. All costs associated with connection to the RDN sewer system will be at the expense of the property owners.


#### RECOMMENDATION

1. That "French Creek Sewer Local Service Area Bylaw No. 813.30, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
2. That "Northern Community Sewer Local Service Area Bylaw No. 889.29, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
Manager Concurrence

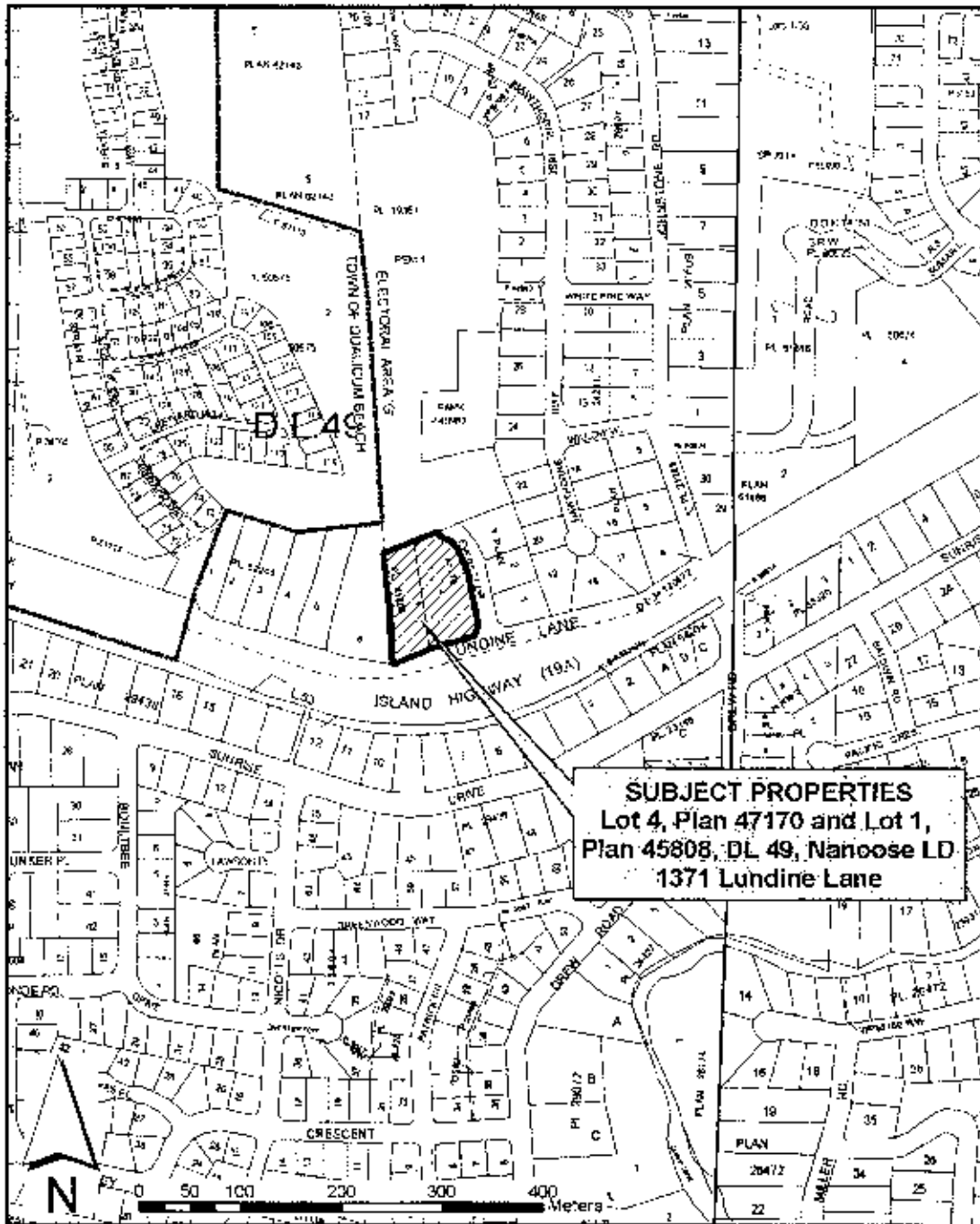
  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

COMMENTS:



Schedule "A"



BGS MAPSHEET NO. 92F.039.1.3

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 813.30**

**A BYLAW TO AMEND THE FRENCH CREEK  
SEWERAGE FACILITIES LOCAL SERVICE AREA  
ESTABLISHMENT BYLAW NO. 813**

WHEREAS "French Creek Sewerage Facilities Local Service Establishment Bylaw No. 813, 1990"; as amended, establishes the French Creek Sewerage Facilities Local Service Area;

AND WHEREAS the Board has been petitioned to expand the local service area;

NOW THEREFORE the Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. The boundaries of the French Creek Sewerage Facilities Local Service Area, established by Bylaw No. 813, as amended, are hereby further amended to include the properties shown outlined on Schedule 'B-1' attached hereto and forming part of this bylaw.
2. The amended boundary of the French Creek Sewerage Facilities Local Service Area shall be as shown outlined on Schedule 'A' attached hereto and forming part of this bylaw.
3. Schedule 'A' of Bylaw No. 813.29 is hereby repealed.
4. This bylaw may be cited as "French Creek Sewerage Facilities Local Service Area Amendment Bylaw No. 813.30, 2004".

Introduced and read three times this \_\_\_\_ day of \_\_\_\_\_, 2004.

Received the approval of the Inspector of Municipalities this \_\_\_\_ day of \_\_\_\_\_, 2004.

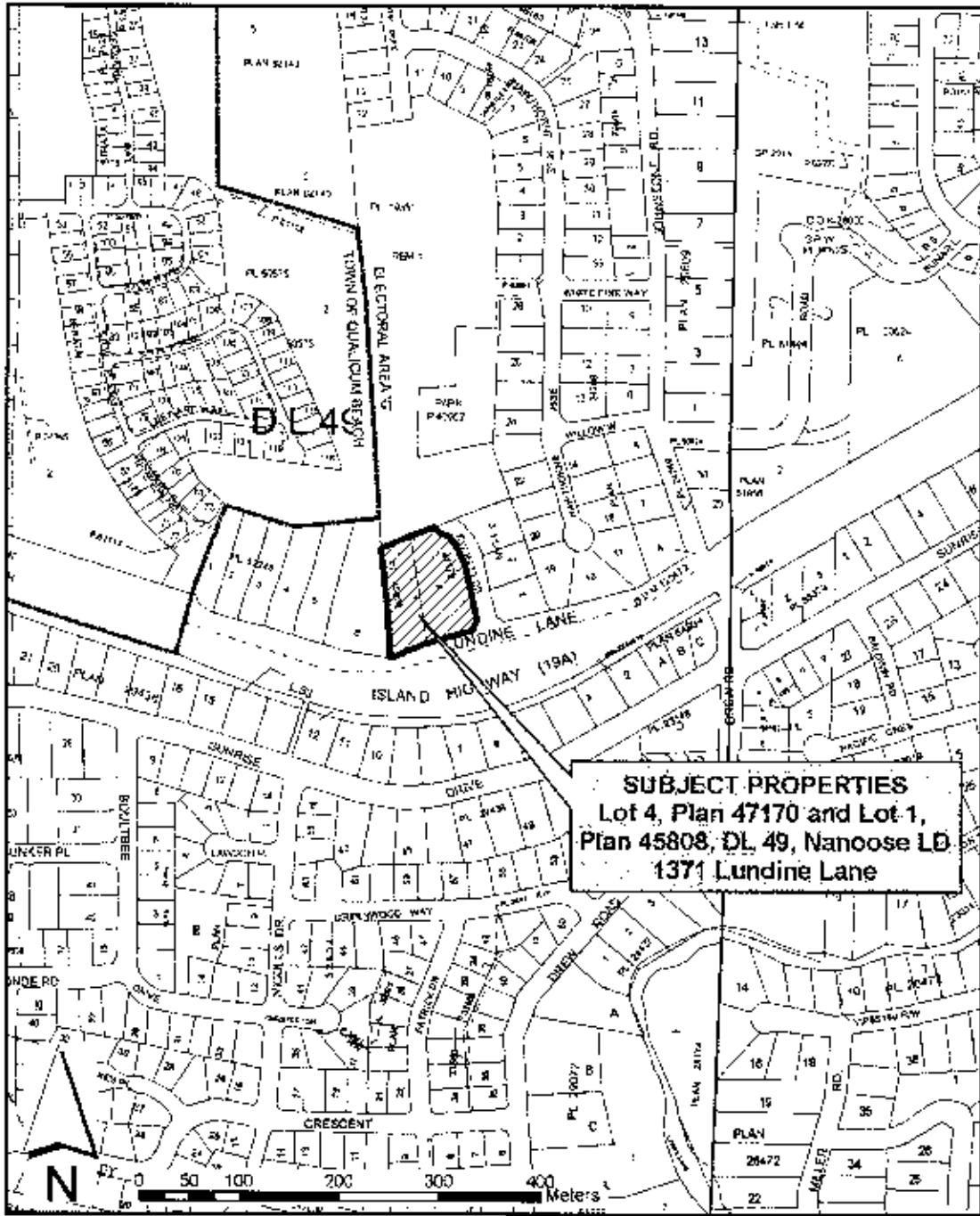
Adopted this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
General Manager, Corporate Services



**SUBJECT PROPERTIES**  
Lot 4, Plan 47170 and Lot 1,  
Plan 45808, DL 49, Nanoose LD  
1371 Lundine Lane

BCGS MAPSHEET NO. 92F.039.1.3

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 889.29**

**A BYLAW TO AMEND THE NORTHERN COMMUNITY  
SEWERAGE FACILITIES LOCAL SERVICE AREA  
ESTABLISHMENT BYLAW NO. 889**

WHEREAS the Board has enacted the "Regional District of Nanaimo Northern Community Sewer Local Service Conversion Bylaw No. 889, 1993", as amended, which establishes the Northern Community Sewer Local Service Area;

AND WHEREAS the Board wishes to amend Schedule 'C' to include the properties legally described as Lot 1, Plan 45808, and Lot 4, Plan 47170, both of District Lot 49, Nanoose Land District;

AND WHEREAS the Board has obtained the consent of at least two thirds of the participants;

NOW THEREFORE the Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "Regional District of Nanaimo Northern Community Sewer Local Service Area Amendment Bylaw No. 889.29, 2004".
2. Schedules 'C' and 'E' attached to and forming a part of Bylaw No. 889.28 are hereby deleted and replaced with Schedules 'C' and 'E' attached to and forming part of this bylaw.

Introduced and read three times this \_\_\_\_ day of \_\_\_\_\_, 2004.

Received the approval of the Inspector of Municipalities this \_\_\_\_ day of \_\_\_\_\_, 2004.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

## REGIONAL DISTRICT OF NANAIMO

### MINUTES OF THE DISTRICT 69 RECREATION COMMISSION REGULAR MEETING HELD ON THURSDAY, SEPTEMBER 16, 2004, AT 1:00PM AT OCEANSIDE PLACE

#### Attendance:

Frank Van Eynde  
Dave Bartram  
Reg Nosworthy

Ive Flynn  
Patty Biro

Jack Wilson  
Craig Young

#### Staff:

Tom Osborne

Marilynn Newsted, Recording Secretary

#### Absent:

Chris Burger

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#### CALL TO ORDER

Chair Van Eynde called the meeting to order at 1:04 pm.

#### MINUTES

MOVED Commissioner Bartram, SECONDED Commissioner Wilson, that the Minutes of the District 69 Recreation Commission Regular Meeting held on June 10, 2004, be approved.

CARRIED

#### COMMUNICATIONS/CORRESPONDENCE

MOVED Commissioner Nosworthy, SECONDED Commissioner Flynn, that the correspondence be received as follows:

- Mid-Vancouver Island Habitat Enhancement Society
- Building Learning Together
- Arrowsmith Search and Rescue
- Nanoose Bay Elementary School
- Ballenas Cheerleaders
- District 69 Family Resource Association
- Christina Thomas, RDN Senior Planner re: Sustainability Workshop
- Ravensong Breakers Swim Club
- Town of Qualicum Beach Family Day Committee
- Tom Osborne to Parksville Curling Club, June 24, 2004, re: Office Rental
- Tom Osborne to Parksville Curling Club, June 24, 2004, re: Activities at PCC
- City of Parksville to Tom Osborne, June 25, 2004, re: PCC Office Rental
- Tom Osborne to Parksville Curling Club, August 9, 2004, re: Office Area at District 69 Arena
- (PCC), Parksville Golden Oldies Sports Association re: Oceanside Place Admission Fees
- Joe Stanhope to Parksville Golden Oldies Sports Association re: Oceanside Place Admission Fees.

CARRIED

## FUNCTION REPORTS

Mr. Osborne presented the Function Reports for the Ravensong Aquatic Centre, Oceanside Place, Recreation Coordinating and Community and Regional Parks. Mr. Osborne reported the Steam Room and Sauna at the Ravensong Aquatic Centre was officially opened Monday, September 13, 2004.

MOVED Commissioner Young, SECONDED Commissioner Wilson, that the Function Reports be received. CARRIED

## NEW BUSINESS

Mr. Osborne informed the Commission that the Fees and Charges recommendations made by the Committee in the Spring were received and approved by the Regional Board in July and were implemented September 1<sup>st</sup> at Oceanside Place. They will be in effect January 1<sup>st</sup> at Ravensong Aquatic Centre.

Mr. Osborne informed the Commission that 2005 budget preparations are now underway and the Commission would be receiving a budget overview at the November 2004 Commission. The budget process will carry through to the adoption of the Annual Budget in March 2005.

## COMMISSIONER ROUNDTABLE

Commissioner Young reported the Electoral Area 'G' Beach Access Study was in progress with more than half of the work completed to date.

Commissioner Van Eynde reported the *draft* Official Community Plan for Electoral Area 'E' should be received in September.

## ADJOURNMENT

MOVED Commissioner Bartram that the meeting be adjourned at 1:45 pm.

## NEXT MEETING

The next meeting will be held Thursday, October 21, 2004, at 1:00 pm, at Oceanside Place, in Multipurpose Room 1.

**Original Signed By**

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Frank Van Eynde, Chair



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**Minutes for the Meeting held:  
Thursday, September 9, 2004 @ 1:00 PM  
Regional District of Nanaimo – Committee Room  
6300 Hammond Bay Road, Nanaimo, BC**

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**Present:**

Andrew Tucker, Nanaimo  
Bob Lapham, RDN  
Brent Muehler, MCAWs  
Christine Thomas, RDN  
Gayle Jackson, Parksville  
Ian Howat, Lantzville  
John Fimmie, RDN  
Margaret Henigman, MWLAP  
Neil Connelly, RDN  
Paul Butler, Qualicum Beach

**Guests:**

George Penfold, Consultant for District of Lantzville Official Community Plan  
Will Marsh, Consultant for Lantzville Foothills Estates  
Mac Fraser, Consultant for Lantzville Foothills Estates

1. **Call to order.**

C. Thomas, Acting Chair, called the meeting to order at 1:10 PM, indicated that N. Connelly would join the meeting later, and described the purposes of the meeting.

2. **Minutes from the Last Meeting (March 9/04)**

The minutes for the meeting were received as presented.

3. **Old Business**

None.

4. **New Business**

*a) Official Community Plan - Updates Regarding Current Review Projects*

Town of Qualicum Beach

P. Butler provided an update about the Town of Qualicum Beach Official Community Plan update. P. Butler indicated that the project is intended to address the findings of a quality of life survey the Town recently conducted, that public meetings will be conducted, and that a working group will meet to provide input to the project. P. Butler indicated that it is anticipated that the project will be completed in 2005. P. Butler indicated that quality of survey results indicate that minimal changes to

the current official community plan would likely be required. P. Butler indicated that there is a possibility that the official community plan may propose a reduction in the amount of land included inside the Urban Containment Boundary on the west side of the Town, with the possibility of the land being developed for urban purposes at a later date in the future.

#### District of Lantzville

J. Howat and consultant G. Penfold provided an update on the development of a new official community plan for the District of Lantzville. G. Penfold indicated that the project was initiated in February of 2004, and that the project process thus far had included public meetings, a survey, a tour, and numerous steering committee meetings. G. Penfold indicated that public feedback to date indicates a low desire for significant change in the community. G. Penfold indicated that a draft official community plan is anticipated to be completed by the end of 2004.

Consultants W. Marsh and M. Fraser provided information about the proposal the owner of Lantzville foothills lands is developing for the properties, in parallel with the District's process to develop a new official community plan. W. Marsh indicated that a multidisciplinary team including landscape architects, architects, engineers, planners, ecologists and others conducted a detailed examination of the composition of the Lantzville foothills properties. W. Marsh indicated that the examination includes information about the properties' geological characteristics, including groundwater aquifers, drinking water capacity, and surface run off flows. W. Marsh indicated that the information would be used to differentiate parts of the properties that should not be developed (due to the presence of environmentally significant features) from parts of the properties that are suitable for development. W. Marsh noted that approximately 80% of the site had been logged, and that the proposed development would remediate the site.

IAC members discussed the following site planning aspects of the proposed development: interface with adjacent electoral areas, road access, inter-relationship between the official community plan process and consideration of the proposed development, proposed method of wastewater management, proportion of site to be developed, number of residential units proposed, size of residential lots proposed, timeframe for build out of proposed development, length of time the current property owner has owned the lands, the provision of protective services, fire mitigation measures, transit service, and provision of retail and commercial space.

IAC members discussed the relationship between the Regional Growth Strategy and the proposed development. C. Thomas indicated that a Regional Growth Strategy amendment would be required because the level of development that is being proposed (parcels with an average lot size of 1 acre and a minimum lot size of 1/3 acre) is more dense than permitted by the current Lantzville Official Community Plan (8 ha), and the Regional Growth Strategy supports development of the property only to the maximum density specified in the current Lantzville Official Community Plan. C. Thomas indicated that the proposal would likely require an Urban Containment Boundary amendment if a level of development denser than 1 unit per hectare is proposed because the Regional Growth Strategy specifies that new development of densities greater than 1 unit per hectare constitutes urban development which is only supported inside the Urban Containment Boundary.

#### Nanoose Bay

B. Lapham provided an update regarding the review of the Nanoose Bay Official Community Plan. B. Lapham indicated that the project was initiated in January of 2004, that a series of working group meetings and open houses had been conducted between February and June, that an official community plan is presently being drafted based on the feedback to date, and that the draft plan



would be discussed with the public during the fall of 2004. B. Lapham provided information regarding the number of residential units in the region presently in existence both inside and outside the Urban Containment Boundary, and the number of residential units in the region that could be constructed both inside and outside the Urban Containment Boundary based on existing official community plans and zoning. B. Lapham indicated that there is a possibility that the OCP will propose that the Regional Growth Strategy be amended to permit the inclusion of additional lands inside the Urban Containment Boundary in the Red Gap area, and that no additional residential development would likely be proposed in conjunction with that adjustment. B. Lapham described possible amendments to the water and sewer service area designations in the plan. B. Lapham indicated that he anticipates forwarding the Regional Context Statement to be included in the OCP to the IAC in October or November of 2004. B. Lapham provided information about proposed and possible subdivisions in the electoral area.

b) *Urban Containment and Fringe Area Management Implementation Agreement*

C. Thomas provided information about the context for the review of the Urban Containment and Fringe Area Management Implementation Agreement and Agreement review activities conducted to date. C. Thomas indicated that B. Mueller (MCAWS) has agreed to assist by facilitating Agreement review discussions.

B. Mueller provided information about the type of assistance he could provide as a facilitator, and distributed an information sheet regarding the proposed roles and responsibilities of municipality, regional district and MCAWS staff.

A. Tucker indicated that the Agreement review needs to address the City of Nanaimo perspective that the Urban Containment Boundary and municipal boundary should be the same for the City.

C. Thomas requested IAC direction regarding the most appropriate method to summarize and convey the Agreement issues identified by each party in the one-on-one meetings between RDN staff and the staff of each party to the Agreement. The IAC concurred that RDN staff should develop a document that summarizes the issues identified by each party to the Agreement, that the City of Nanaimo letter that provides further information about the City's issues should be attached to the document, and that IAC members would provide further elaboration about their interests and issues as appropriate at future meetings.

C. Thomas requested IAC direction regarding the date of the next meeting for the parties to communally discuss their interests and issues regarding the Agreement. The IAC concurred that the next meeting would be on September 30, 2004, pending confirmation from the absent Town of Qualicum Beach member.

c) *Topics for Discussion at Future IAC Meetings*

C. Thomas identified other topics that require IAC discussion, and topics that the IAC might wish to discuss.

Topics requiring IAC discussion include:

- the consideration of continued acceptance of existing member municipality Regional Context Statements (RCS) or acceptance of new RCSs,
- the consideration of new RCSs for electoral areas, and
- regular review of decisions made by RGS parties to provide services for environmental or public health reasons.

Topics that may be discussed, pending IAC interest, include:

- decision making regarding destination resorts pursuant to RGS policy 6C,
- sustainability indicators,

- topics for best practices guides to aid RGS implementation, and
- the new sewage disposal legislation.

C. Thomas invited IAC members to provide feedback regarding their interest in discussing the above noted optional items, or to suggest additional items that the IAC should discuss. G. Jackson suggested that the IAC discuss the role of the Ministry of Highways in the review of subdivision applications, as it relates to the RGS.

5. **Next Meetings.**

The next meeting date was set for September 30, 2004, in the afternoon at the RDN administration office, subject to confirmation from the Town of Qualicum Beach representative.

6. **Adjournment.**

C. Thomas adjourned the meeting at 4:00 PM.

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C. Thomas, Acting Chair

## REGIONAL DISTRICT OF NANAIMO

### MINUTES OF THE REGIONAL GROWTH MONITORING ADVISORY COMMITTEE / STATE OF SUSTAINABILITY PROJECT MEETING HELD ON WEDNESDAY, SEPTEMBER 8, 2004 IN THE COMMITTEE ROOM

**Present:**

Director Bill Holdom	Chair
Director Dave Bartram	Deputy Chair
Brian Anderson	
Janet Farooq	
Adele McKillop	
Ross Peterson	
Sharon Thomson	

**Also in attendance:**

Christna Thomas	Senior Planner, Community Services
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**Absent:**

Douglas Anderson  
Gordon Buckingham  
Betty Collins  
Sylvia Neden

#### CALL TO ORDER

Director Holdom called the meeting to order at 7:00 PM.

#### MINUTES

R. Peterson requested that the minutes of the previous meeting (Sept.1 /04) be amended by changing the following sentence,

*"R. Peterson suggested that the mechanisms/policy directives/actions necessary to achieve the characteristics of a sustainable Regional District of Nanaimo be identified in the framework, as a means of assisting in the development of ideas regarding possible indicators for each characteristic"*

to

*"R. Peterson suggested that the mechanisms/policy directives/actions necessary to achieve the characteristics of a sustainable Regional District of Nanaimo be identified in the framework, as a means of assisting in the development of ideas regarding possible indicators for each characteristic and to forward to the Board as a means of substantiating the RGMAC's recommendations regarding sustainability indicators".*

R. Peterson requested that the minutes of the previous meeting (Sept.1 /04) be amended by deleting the word "minor" and by changing the word "proved" to "provided" in the last paragraph of the minutes concerning the "Framework for Sustainability Indicator Selection for the Regional District of Nanaimo".

Minutes from the previous meeting (Sept.1/04) were approved as amended.

## OLD BUSINESS

### a) *Green Buildings*

C. Thomas provided an update about the status of the report the Board asked staff to prepare about green buildings on July 13, 2004, in response to the RGMAC recommendation that action be taken in regard to the topic.

C. Thomas indicated that a report about green buildings will be considered by the Committee of the Whole on the September 14, 2004 and the Board on September 28, 2004. It was noted that the report provides information about such things as what green buildings are, the Leadership in Energy and Environmental Design system for assessing the greenness of buildings, examples of green buildings, the role of local governments in advancing green buildings, and how other local governments are advancing green building practices. Possible outcomes of the Board's consideration of the report include a decision regarding whether to undertake a project to promote green buildings in the region.

The RGMAC concurred that the Board's consideration of a report about green buildings is a milestone for the RGMAC.

### b) *Framework for Sustainability Indicator Selection for the Regional District of Nanaimo*

C. Thomas circulated an updated version of the chart that was appended to the August 27, 2004 report, "Framework for Sustainability Indicator Selection for the Regional District of Nanaimo", and noted that the chart includes amendments to the possible indicators for 'economic vitality', 'institutional leadership and management', and 'social capital' based on RGMAC feedback at the September 1, 2004 meeting.

The RGMAC reviewed and made amendments to the possible indicators for the environmental capital characteristics of sustainability.

C. Thomas indicated that the chart would be provided to the consultant hired by the RDN to provide recommendations regarding indicators of sustainability for the region. It was noted that the consultant would develop its recommendations using criteria to 'filter' the possible indicators in the chart, and that the consultant would meet with the RGMAC to discuss its recommendations.

## NEW BUSINESS

### a) *Oceanside Development and Construction Association Presentation*

Director Bartram stated that he would be delivering a presentation to the Oceanside Development and Construction Association (ODCA) on September 15, 2004 about the Sustainability Project, in response to an ODCA invitation. Director Bartram noted that he would invite the ODCA to suggest ideas to the RDN regarding the advancement of sustainability in the region.

### b) *Meeting Attendance/Quorum*

R. Peterson expressed concern about the low attendance at the September 1, 2004 Regional Growth Monitoring Advisory Committee meeting and asked if a quorum is necessary for RGMAC meetings.

C. Thomas responded that the RGMAC Terms of Reference do not include any specifications regarding quorums for RGMAC meetings. It was noted that a quorum is not necessary given that the RGMAC does not make formal decisions and generally uses a consensus model in its work.

C. Thomas indicated that it is helpful if Committee members inform RDN staff of their ability/inability to attend meetings.

## NEXT MEETINGS

The next meeting was set for Wednesday, October 6, 2004, at a time in the evening to be specified. Additional tentative meeting dates were set for the following Wednesdays: October 27, 2004, November 3, 2004, and November 24, 2004.

C. Thomas indicated that topics for discussion at future meetings, based on the work program and RGMAC expressions of interest, include the following:

- The consultant's recommendations regarding sustainability indicators for the region;
- Methods/techniques/policies/actions to achieve each of the sustainability characteristics identified in the "Framework for Sustainability Indicator Selection for the Regional District of Nanaimo"; and
- Lessons learned from the RDN's previous Regional Growth Strategy monitoring project; and
- Sustainability advancement at the corporate level.

R. Peterson indicated that the principles of sustainability should also be discussed at future meetings.

## ADJOURNMENT

Director Holdom adjourned the meeting at 9:15 PM.

***Original Signed By***

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Director Bill Holdom, Chair

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF A MEETING OF THE GRANTS-IN-AID COMMITTEE  
HELD ON TUESDAY, OCTOBER 5, 2004  
AT 2:15 PM IN THE REGIONAL DISTRICT OFFICES**

**Present:**

E. Hamilton	Chairperson
F. Van Eynde	Citizen Advisory Group
S. Selfjord	Citizen Advisory Group
D. Bromley-Anvelt	Citizen Advisory Group
L. Burgoyne	Administrative Assistant

**SCHOOL DISTRICT 68**

Funds available: \$ 5,528.00

MOVED F. Van Eynde, SECONDED S. Selfjord, that the following grants be awarded:

<b>Name of Organization</b>	<b>Amount Requested</b>	<b>Amount Recommended</b>
ALS Society of BC	\$ 3,907	\$ 587
Cedar Community Association	4,000	1,215
Cedar Family Playtime Society	800	800
Cedar School & Community Enhancement Society	1,020	1,020
The Hope Centre	578	378
Nanaimo Search & Rescue	3,000	<u>1,528</u>
		\$ <u>5,528</u>

**CARRIED**

The Committee agreed that the following comments be conveyed to:

**ALS Society of BC** - grant to be used towards the rental of AV equipment and some workshop supplies for their upcoming Community Health Professional ALS workshop.

**Cedar Community Association** - grant to be used to purchase the ceramolite sheets required for the washroom renovations in the community hall.

**Cedar Family Playtime Society** - grant to be used towards the purchase of a concrete picnic table and an adjustable education table.

**Cedar School & Community Enhancement Society** - grant to be used to purchase a security camera and VCR for the centre to curb vandalism.

**The Hope Centre** - grant to be used to purchase shelving and books for the Centre's parent-child Mother Goose program.

**The Nanaimo Search & Rescue** - funds to be used towards the purchase of a computer radio/data communicator, antenna and software package for their automated position reporting system.

**SCHOOL DISTRICT 69**

Funds available: \$9,464.00

MOVED F. Van Eynde, SECONDED D. Bromley-Anvelt, that the following grants be awarded:

<b>Name of Organization</b>	<b>Amount Requested</b>	<b>Amount Recommended</b>
Arrowsmith Watersheds Coalition Society	\$ 5,600	\$ 1,500
Central Island Critical Incident Stress Association	500	200
District 69 Family Resource Association	813	813
Forward House Community Society	1,000	600
Kwalikum Secondary School Music Parents Comm.	13,375	denied
Lighthouse Country Marine Rescue Society	1,725	1,725
Mount Arrowsmith Elder Abuse Prevention Comm.	300	300
Oceanside Community Arts Council	1,000	1,000
Oceanside Emergency Social Services	1,000	800
Parksville & District Historical Society	1,850	1,550
		<u>\$ 8,488</u>

CARRIED

The Committee agreed that the following comments be conveyed to:

**Arrowsmith Watershed Coalition Society** – grant to be used towards the purchase of a projector for the Society's lectures and workshops in the community.

**Central Island Critical Incident Stress Association** – grant to be used towards the facility rental costs and presentation materials for their upcoming training workshop.

**District 69 Family Resource Association** – grant to be used towards the purchase of a TV/VCR/DVD combination unit for showing educational videos to the many groups that they work with including parenting support groups, life skills group for youth, and life skills group for children with special needs.

**Forward House Community Society** – grant to be used towards the Society's client recreation including the Christmas theatre, supplies, games, cards and special events.

**Kwalikum Secondary School Music Parents Committee** -- grant request denied. The Committee felt that the KSS Music Parents Committee funding request was far too large to accommodate with the limited funding for Grants-in-Aid.

**Lighthouse Country Marine Rescue Society** – grant to be used to purchase supplies and fixtures for the construction of a storage building on the dock adjacent to the Society's rescue boat mooring. This building would be used to store the safety and emergency equipment for their search and rescue activities.

**Mount Arrowsmith Elder Abuse Prevention Committee** grant to be used to advertise a CD loan program directed at senior drivers which leads them through a self evaluation and educates them on driving in today's world.

**Oceanside Community Arts Council** - grant to be used to purchase supplies and fixtures for an electrical upgrade in one of the galleries in their building.

**Parksville & District Historical Society** the society has recently acquired a very large collection of folk art which is too large to display all at once. Funds will be used to purchase the appropriate acid free storage containers and wrappings to store the remainder of the collection.

**Oceanside Emergency Social Services** -- funding to be used to purchase identification equipment and signage for the emergency reception centre to be located at the Lighthouse Community Centre. The centre is to be used as a temporary service during an emergency or disaster for families and individuals to receive temporary services such as food, clothing, lodging, emotional support, family reunification and information about the emergency situation.

#### **ADJOURNMENT**

The meeting adjourned at 3:35 PM.

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CHAIRPERSON